

CM 334178

1942 SABOTEURS CASE

DASCH & BURGER CORRESPONDENCE PART 3

DEPARTMENT OF JUSTICE
Washington

October 8, 1947.

MEMORANDUM FOR LIEUTENANT COLONEL NICHOLAS VOORHIS
OFFICE OF THE JUDGE ADVOCATE GENERAL

In connection with your plan to place before General Clay the question of deporting to Germany Ernest Peter Burger and George John Dasch, I should like to summarize the general situation, and also to transmit for your consideration a memorandum dated October 28, 1944, prepared by J. Edgar Hoover, Director of the Federal Bureau of Investigation.

Burger and Dasch were members of a group which received training at a sabotage school near Berlin, Germany, in the early part of 1942. Instruction was there given in the use of explosives and in methods of secret communication, sabotage, and the like. Thereafter the whole group, eight in number, crossed the Atlantic by submarine. One submarine, carrying four of the group, landed at Long Island on or about June 13, 1942. They carried with them a supply of explosives, fuses, and incendiary and time devices. Immediately after the landing, which occurred at night, they buried these articles and proceeded in civilian dress to New York City. The other four men landed at Ponte Vedra Beach, Florida, on or about June 17, 1942. They too were equipped with explosives and other devices. They buried these materials and proceeded in civilian dress to Jacksonville, Florida, and thence to various other points in the United States.

All eight men were taken into custody in New York and Chicago by agents of the FBI. As appears from Mr. Hoover's memorandum dated October 28, 1944, revelations made by Burger and Dasch to the FBI after their landing played a vital part in the detection and apprehension of the entire group. However, circumstances occurred at the landing in Long Island of a nature to put Burger and Dasch in fear of capture. In the absence of those circumstances, would they have taken the steps which they did take to reveal their plans to the FBI? My own personal view is that Burger had suffered so heavily at the hands of the Nazis that he probably would have communicated the plot to the FBI even though there had been no cause to fear detection and apprehension. I have serious doubts in the case of Dasch as to what his conduct would have been in circumstances more favorable to the success of his mission. I think that Mr. Hoover's general conclusion appearing at page 15 of his memorandum gives a good statement of the problem and its solution.

Incl 2

After apprehension of the eight men by the FBI they were turned over to the War Department, and were tried by a military commission appointed by President Roosevelt. The charges specified violations of the laws of war, of Article 81 of the Articles of War (relieving or corresponding with the enemy), Article 82 (spying) and conspiracy to commit these offenses. All eight were found guilty. Burger and Dasch were given life sentences at hard labor, in consideration of the cooperation which they had given the FBI, and the remaining six were condemned to death.

Burger and Dasch have been in the custody of the Department of Justice for more than five years. Burger has an excellent prison record. That of Dasch is less satisfactory. Burger's attitude appears to be good, and there seems little doubt that if he is returned to Germany he will endeavor to lead a useful life, and would not constitute a security problem. On the contrary, it is to be expected that he would be able and willing to perform valuable work for the American authorities, particularly in counter-intelligence and in the denazification program. Dasch, however, might constitute a real problem from the security point of view. In this connection I may refer you to Mr. Conner's memorandum of August 4, 1947, and the annexed papers (copies attached).

The Attorney General has authorized me to say that he believes that clemency should be extended to both of these men, and that he is willing to give a recommendation to General Clay that Burger be favorably considered for any useful work in Germany for which he is found to be fitted.

/s/ George T. Washington

George T. Washington,
Assistant Solicitor General.

copy of a warrant of arrest.

I have had no desire or intention to remain as a resident in the United States. I wish here and now to renew again my statement that I made on my arrival in Washington, D. C., 1942, that it has always been my desire to return to Germany, but in face of facts and that as a person legally recognized as the friend of the people of the United States in contrast to that of an outright enemy as the proposition in this letter would make me to be.

George John Dasch

George John Dasch
Reg. No. 61536-L

Department of Justice

United States Penitentiary

Atlanta, Georgia

PLEASE REPLY
IN DUPLICATE

Mr. Loveland - Bureau

July 25, 1947

Ernest Peter Burger, #62727-A

PERSONAL AND CONFIDENTIAL

Dear Frank:

In accordance with your letter of July 23, 1947, I interviewed Burger this morning regarding his reaction to the tentative plan to return him and Dasch to Germany as prisoners in army custody and there be released subject to parole under the supervision of the United States Commanding General as Military Governor. I discussed the pros and cons very thoroughly with Burger. This is the third or fourth time I have talked with him regarding tentative plans. He is entirely agreeable to any plan worked out by the government which will effect his release and return to Germany at the earliest possible moment.

He would much prefer to be released on parole under the supervision of the Department of Justice here and the Bureau of Prisons in Germany. I believe this desire springs from his rather unsatisfactory experience with army authorities during his trial. Nevertheless he states that if returned to Germany by the army and released on parole, he will rigidly adhere to the conditions imposed on him.

Somewhere along the line I believe that sight has been lost of the tremendous job this man did for our country in reporting of the presence of these groups of saboteurs in this country and then by giving full cooperation to the FBI throughout the war. I don't know what the FBI records show but I do know that I was advised on several occasions by FBI operators in close contact with Burger and they stated unequivocally that his assistance was timely and of great benefit. Furthermore, he testified in a number of court cases which resulted in convictions of saboteurs and espionage agents practically on his testimony alone. That some of these convictions were set aside by Courts of Appeal was no fault of his. His conduct here under very unfavorable circumstances has been exemplary. He has been a diligent worker. He has cooperated with me and the institutional officials in every respect, and he has courage equal to any man I have ever known or heard of. He is straight forward and I believe is honest and has the interests of this country at heart. He has developed himself into a first-class artist during his stay here and could make a living at it on the outside. Over and above

Mr. Loveland

-2-

7/25/47

every other consideration, insofar as our country is concerned, he is a walking encyclopedia with respect to the Nazi party and the Nazi program in Germany. He knows by name and by sight all of the Nazi members and from what I can ascertain from him he knows that many of those who are now unknown to the authorities and who are in responsible positions in Germany were actively leading members of the Nazi regime.

It, therefore, seems to me that we should expedite this man's return to Germany under decent conditions and there provide employment for him in the army set-up, either as one of the supervising group over those Nazi and other German malefactors who are on parole or conditional release, or more importantly, as an investigator of matters coming to the attention of the army authorities in connection with Nazi activities. He is intelligent enough to do a good job and in my opinion such employment will repay us many times over. I hope you will pass this along where it will do the most good.

On the other hand, I have no confidence in Dasch and I am firmly convinced that he does not have the interests of this country at heart. He is a communist, trouble maker, bitter because he was not immediately released following the trial by military commission, and I predict if released to Germany, will not be in the American zone any longer than it takes him to traverse it to the borders of the Russian zone. I think it is well that I point out also that from the close of the military commission trial I do not know of a single instance where he assisted this country in any respect. If, however, Dasch is returned to the American zone in Germany and does not go immediately to the Russian zone, he should be kept under unrelenting surveillance as in our opinion his remaining in the American zone will be for the purpose of acting as an espionage agent for Russian interests.

Sincerely,

Joseph W. Sanford
Warden

that knew of the conditions then existing, the methods and subtlety of
(Continue here)
Goebbels' propaganda, and last, by one who knew and felt the sorrows and
tribulations of his own people. To work toward this end I searched for months
for a way to leave Germany. After repeated blind alleys I found this way through
the German High Command with my ready answer of yes to the question posed
in late November 1941, "How would you like to go back to America". When,
after piecemeal information, I held the picture of what the High Command was
planning against the peoples, which only yesterday were my friends and neighbors,
I lived, conspired and starved for the only purpose and hope to bring the mis-
sion I had been chosen to lead to its complete failure. Consequently, every
move undertaken by me while active in the preparation and last toward
the execution of the mission, were calculated to insure the success of what
I always have considered as my duty; namely, to render this far-reaching
service to the people of the United States, and thus also help to bring the
defeat of Nazism one step nearer. I have fully succeeded in my undertaking,
the spirit of which is manifested by the fact of accomplishment, just as my
failure would have manifested itself by my sure death at the hands and
according to the law of Nazism. These are the fundamental facts in my case.

When I came to the United States, my sole intention was
to inform the authorities here that sabotage parties had come
from Germany and that other such parties were in preparation
for a later invasion. Immediately after my landing, I did in-
form the F. B. I. and the plot was uncovered and future plots
prevented. I feel I, with Burger, was largely responsible for
the arrest and conviction of the Nazi members of the parties.
I could understand why I should be kept in jail during the
war period, but now that the war is over, it seems to me that
my best efforts to the interests of the American people should
be rewarded rather than punished.

Petitioner respectfully prays that he be granted a Full Presidential Pardon

(Pardon, or tation of sentence, or remission of fine)

for the following reasons:

Because the real and self-evident facts in this

(Separate paragraph for each reason)

case stamp the petitioner most deservant of such an expression
and act of Executive Clemency.

The foregoing was prepared by myself

(State if prepared by yourself. If not

who prepared it and his address)
made are true to the best of my knowledge and belief.

I have read the same carefully and the statements

George John D. [unclear], 610 [unclear]

(Signature of applicant)

16-10997

[If space insufficient, additional pages may be added, or write on other side of this page.]

Annabel C. Royall.
Undersecretary of War.
Washington D.C.

Aug 18, 1946
378 1/2 Rombouts Ave
New York - City - 66 N.Y.

Dear Sir:

Now, that over a year has passed since my husband, George J. Dasch, respectfully submitted his original pleas of June 10, 1945, and made to the War and Justice Departments, calling for thorough investigation on matters of evidence, information and corroboration which, on the one hand at the time of his trial could not, and on the other, were not admitted in evidence during his trial before the Military Commission, however, easily available even since the defeat of Nazism, and which will further strengthen the unblemishable truth as to the real and only motive and intent of my husband's actions and efforts, thus crystallizing his success and more - his risk in combatting and frustrating the sabotage missions planned in the former by German High Command and directed against our people, I now make my last and most fervent plea for a speedy end of a punishment forced upon my husband, which even at its best, is cruel, paradoxical and certainly most undeserved...

This latter judgement, I assure, is neither irrational nor emotional, but the logical and natural conclusion clear and true facts will allow...

It is a matter of my precise knowledge and that of trial record, the latter especially seen in the light the investigation will disclose, that the conviction of my husband was in regard to charges based on illogical deductions, convenient conclusions and interpretations with which accusations succeeded to cripple, distort and to pervert the whole and true intent and factual substance of my husband's courageous actions and best efforts with which he most tellingly demonstrated deep hatred towards Nazism and, without any other consideration in mind the common good, life, respect and concern for our people.

It should be clear to anyone, that in face of such basic truth, I am seeking to end the gross injustice my husband has to endure. It should be equally obvious that I am alone in this justified striving...

Further - more, I am satisfied that we, my husband and myself, have done our best to live up to the principle of the maximum of fairness in this striving. We have been forthright and direct, we have exercised patience, understanding and restraint.

may not otherwise be construed, this, as all other previous pleas by my husband
myself, is not a plea for mercy or leniency, but is now a serious challenge for
enactment of the principles of fair-play and that of true justice, such as, the full
of truth, common logic and self-evident facts must decree...

Therefore, I pray, that the final decision on the matter of clemency in the ca
husband, now pending in the war Department, as indicated by its communication of
it 16, 1946. is at hand and be of a nature conducive to a final and equitable close-out
a peculiar chapter my dear husband, an innocent man, has to endure,.

May the above be accepted in the same forthright and amiable spirit
given, and, as such, will serve the interest of truth and justice.. In this spirit an
tified hope, I am awaiting the final decision by the war Department and remain
very respectfully and most sincerely yours...

Mrs. Marie C. Daseh.



[illegible][illegible]

...and ...

Nov. 1. 9. Sunday. with



Duplicate copies of petition must be submitted in all cases

PETITION FOR EXECUTIVE CLEMENCY

This form may be used in applying for pardon, commutation of sentence, or remission of fine, but not for pardon after completion of sentence. A different form is provided for applications of that character.
Note carefully the rules printed on verso side of this page, particularly numbers 3, 4, 7, 8, 9, and 10.

U. S. Penitentiary,

Leavenworth, Kansas

April 8,

1947

THE PRESIDENT OF THE UNITED STATES:

Your petitioner, George John DASH, a Federal prisoner, No. 61536
confined in the U. S. Penitentiary at Leavenworth, Kansas
hereby respectfully prays your Excellency to grant him a Full Presidential Pardon
(Pardon, commutation of sentence, or remission of fine)
for reasons herein set forth.

Petitioner states that he is a resident of Speyer / Rhine, State of Germany
his correct address at the time of conviction being none
that he is a citizen of Germany, a white man, and was 39
(State whether white, colored, or Indian)
years of age at the time the crime was committed; that he had not theretofore been convicted of crime
or indicted therefor, and his record respecting crime other than instant offense is as follows: _____
(List every arrest)

and/or conviction Federal, State or Municipal, giving date, court, the sentence imposed, or other disposition of the case)

- none -

Petitioner states that he was convicted upon a plea of not ^{before} guilty, in the U. S. Military Commission
Court for the _____ district of _____, at Washington, D. C.
of the crime of Attempted Espionage and Sabotage against the United States.
(State specifically, accurately, and fully)

and was sentenced August 7, 1942, to imprisonment for death, (commuted by the
in the President to 30 years imprisonment.)
and to pay a fine of \$ _____ and \$ _____ costs,

to stand committed for nonpayment of fine and costs; that the case was taken

(If not sentenced to stand committed, insert the word "not")

on _____, to the U. S. Circuit Court of Appeals for the _____ Circuit,
(Appeal or writ of error)
where the judgment was _____, 19____, after which it
(Affirmed or reversed) (Date)
was taken to the Supreme Court of the United States on _____
(State whether on petition for writ of certiorari, or how)
where the decision of the Circuit Court of Appeals was _____, 19____;
(Affirmed or reversed) (Date)
or, the petition for writ of certiorari was _____, 19____
(Denied) (Date)

Petitioner states that he began the service of his sentence on August 7, 1942
(This does not refer to time in jail before sentence)
in the Federal Jail, at Washington, D. C., where he is now confined; that he
(Penitentiary or jail)
will be eligible for parole August 6, 1952, but his application was _____
(Will be or was)
and his term, with allowances for good conduct, will expire September 29, 1962.

Petitioner states that the facts in his case are as follows: On March 26, 1941, after close
(Here state concisely and accurately what you did, the extent
of your wrongdoing, and any mitigating circumstances)
to 19 years of living as a law-abiding and social conscious resident in the
United States, and never a member or even a sympathizer of the German Bund,
or any other such quasi-political organizations, I left for Germany with the hope
to participate politically toward the establishment of Social-Democracy. Shortly
after my arrival in Germany I found employment as monitor with the main list-
ening post of the German foreign office, at Berlin. This position afforded me
numerous experiences to learn in short time about the real make-up and
policies of the German Government. I was confronted with the issue either to
serve evil or to fight for the principles and the ideals which have become my
very own during my long stay in the United States. Being assigned to the
U. S. Section, I listened to the voices of, for and from the United States.
Their direct and repeated calls for all Anti-Nazis to do their best to-
ward the defeat of Nazism and even to become active belligerents toward
the destruction of that evil, found in me a ready and willing follower.
My first response to these calls was to bring the message from the United States
to these little minded Germans who, under threat of severe punishment were
forbidden or due to the lack of proper receiving sets, were unable to listen
to the "Voice of America". This I have done daily in disregard of the oath of
silence my position demanded and in face of a punishment that could only
spell death at the hands of the Gestapo. In my daily contacts with what
is often termed "the underground", I found ready listeners and willing
floors, but little or no organization and the lack of proper directives.
Also I saw the need for a mass and more realistic approach. The first
could only be executed outside of Germany. The latter best by a person

that knew of the conditions then existing, the methods and sublety of Goebbels' propaganda, and last, by one who knew and felt the sorrows and tribulations of his own people. To work toward this end I searched for months for a way to leave Germany. After repeated blind alleys I found this way through the German High Command with my ready answer of yes to the question posed in late November 1941, "How would you like to go back to America." When, after piecemeal information, I held the picture of what the High Command was planning against the people, which only yesterday were my friends and neighbors, I lived, conspired and dared for the only purpose and hope to bring the mission I had been chosen to lead to its complete failure. Consequently, every move undertaken by me while active in the preparation, and last toward the execution of the mission, were calculated to insure the success of what I always have considered as my duty; namely, to render this far-reaching service to the people of the United States, and thus also help to bring the defeat of Nazism one step nearer. I have fully succeeded in my undertaking, the spirit of which is manifested by the fact of accomplishment, just as my failure would have manifested itself by my sure death at the hands and according to the law of Nazism. These are the fundamental facts in my case.

16-10097

When I came to the United States, my sole intention was to inform the authorities here that sabotage parties had come from Germany and that other such parties were in preparation for later invasions. Immediately after my landing, I did inform the F. B. I. and the plot was uncovered and future plots prevented. I feel I, with Burger, was largely responsible for the arrest and conviction of the Nazi members of the parties. I could understand why I should be kept in jail during the war, but now that the war is over, it seems to me that my best efforts to the interest of the American people should be rewarded rather than punished.

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for the following reasons:

Because the real and self-evident facts in this

(Separate paragraph for each reason)

case stamp the petitioner must be deserving of such an expression
and act of Executive Clemency.

The foregoing was prepared by

myself

(State if prepared by yourself. If not

who prepared it and his address)
made are true to the best of my knowledge and belief.

I have read the same carefully and the statements

George John D. Dwyer, 61536

(Signature of applicant)

10-10097

Barbara A. L.

RECEIVED THROUGH PRISONERS MAIL

DEPT. OF JUSTICE

RECEIVED THROUGH PRISONERS MAIL

MAR 15 1946

DEPT. OF PRISONS

Hon. Tom C. Clark, U. S. At. Gen.

Department of Justice

Washington, D. C.

Leavenworth, Kans. March 5, 1946.

Dear Sir:

Ever since being honored by your communication of Nov. 21, 1945, have I struggled with the question of whether my answer thereto was in order and if so, this to be in form of a courteous expression of thanks or also in further illumination on serious particulars most relevant to my case and present status, that of an enemy belligerent guilty of an alleged crime of war against the People of the U. S., the first instance, please permit me to express my sincere thankfulness, in the latter, and this only due to the aggravating ruling by the War-Department, given in January 4, 1946, in answer to an inquiry and plea by my dear wife, Mrs. Marie S. DASH, namely: "The War-Department does not contemplate taking any action toward the relief of your husband at this time", I now wish to state as of below and most respectfully beg your kind indulgence.

Not at any time Hitler was in power did I feel it timely to state my just claims on matters most concerned. This in full respect to the secret nature of the Military Tribunal and in conscious recognition of the various and serious objectives there by pursued. Enlightenment received thereto by responsible representatives of your Government, before, during and after my trial helped to crystallize their obvious need and preventive intent and my part and further sacrifice toward their success. A success which in part is of public record by repeated references to the total absence of foreign directed sabotage and made by the predecessor of your high officer, Hon. Francis C. Biddle, and by Mr. J. E. Hoover, Director of the F. B. I. 146-7-4217

MAR 27 1946

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RECEIVED
OFFICE OF
THE ASSISTANT

MAR 21 3 20 PM '46

TO THE
ATTORNEY GENERAL

Very respectfully,
Yours truly,
[Signature]

Enclosed
[Signature]
[Signature]

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MAR 1 1946
FEDERAL BUREAU OF INVESTIGATION

APR 1 1946
MAR 21 1946

Those and other similar public announcements during the war helped to make my lot less unbearable, for I had accepted the obvious of being sacrificed on the principle, that in war any means justify the end, and in the fervent hope my sacrifice may further lead toward the speedy and complete defeat of Hitlerism. My silence was further motivated by repeated declarations and assurances by equally responsible representatives of your Government, that with the end of war steps on my behalf would be undertaken which would assure an absolute presidential pardon and the complete exoneration from all the charges on which I was tried. These assurances I have accepted in the same good faith in which they were given and in this spirit have I acquiesced to a verdict of guilt on charges which are utterly contrary to indisputable and concrete facts and, as such, vulnerable to a test of truth.

Anyone familiar with my trial knows that the main and only substance of the charges against me were based on the highly artificial, yet, in view of the then prevailing times, convenient interpretation, that my so-called "surrender" to your Government on June 19, 1942, and my full report, also known by the misnomer of "confession," were motivated to save my own hide, and this, as further alleged, due to a belated attack of fear after my landing on June 18, 1942, and that before that date I had all intentions of carrying out the mission as planned in the German High Command. I shall not here project the gross injuries to the principles of "due process of law," by which alone this interpretation could have been advanced and thereafter upheld. Minute and impartial examination of my trial records will show that, but I wish to stress, that recent inquiries again authoritatively confirmed that my conviction by the Military Commission was reached solely on the acceptance of this contra-factual interpretation.

My first letters of June 10, 1945, one also addressed to the War Department, and both containing the earnest plea for a thorough investigation on all my activities and efforts to fight and counter-mand Hitlerism, already beginning months before

The U.S. became actively involved in this war, had the only and forthright intent to afford your Government the striking proof on the great wrong this interpretation has brought upon me. My plea was further made in view of the fact that the records of my trial, without the evidence and testimony disclosed by the investigation, cannot, in the sense of justice be considered as complete documents necessary to review and decide impartial justice.

The investigation must or should by now have established the clear fact that my report to your Government, on June 19, 1942, was a direct result of many months of conscious efforts strictly in answer to my deep and bitter hatred toward Nazism after first-hand and careful observations of what, by, how and on what it existed and therefore continued for what it stood and aimed for. My successful plot within a plot was however also in glad response to incessant pleas and urgings over the Allied-Radio and American stations certainly included, calling on all Anti-Nazi's within Germany to join the ranks of and the fight for Democracy with every means at hand, thus, with the uplifting and sustaining zeal for a great, crusading and moral cause, it became an active belligerent toward the defeat of Nazism. This clear-cut fight against that evil was directed toward the ultimate gain of the American People and, besides having certain other values, helped your Government toward a basis for practical counter-measures to defeat other like actions as then planned in the German High Command.

This is the truth and from this truth there can be no escape, for truth is always there and the ruling against me by the Military Commission can never change this basic truth.

Furthermore, there can be no doubt in the minds of reasonable men that he who receives immediate and certain help that prevents death and destruction, and is there-by relieved, is also morally obligated to the giver, and especially more so, when now it can or will be recognized that the giver gladly has risked his life to come into the position to give, for after all, it was not operating in a vacuum but under the watchful eye and ever present suspicion of a force in its grossest and most summary form,

The force that kills. While countless thousands of the Underground, or those in grim or renewed opposition to Hitlerism perished by that force, or rotted away in concentration-camps, I lived, and only thus succeeded.

However, instead of receiving well earned thanks and appreciations I was in turn confronted with the heartbreacking and unprecedented paradox, that of being ridiculed to death and severely punished in utter disregard of obvious, self-explanatory and courageous acts and deeds, for which a German Court or the Gestapo would in all certainty have kicked me to death had I failed at any time prior to my landing. This clear logic, Sir, is filled with the bitter irony of a man condemned as being a hyst on the one hand and a communist, by oblique innuendo, on the other. Allegations brought against me which do not serve the truth but only helped to create another paradox. Thus one paradox follows the other and one injustice and form of punishment the other. This brings me into the present.

My position has of late become very critical and mainly due to the disclosures of relevant particulars on my case to the Press, as of November 8, 1946. I have seen there-in a great service to truth and as such, please, Sir, allow me to thank you. Yet, as with most all partial enlightenments and in due retrospect to the prejudices and passions aroused by all that which publicly was said during the times of my trial when, for reasons of serious expediency, it had to be said, some in the Press choose to take a slanderous line and play up types of stigmas made to order for some of my fellow humans near and around me. I hope most sincerely, that these few words ... in a serious situation in which I am the helpless target of criminally debased minds and the defenseless attraction to various hates and frustrations. More-over-so do I pray, that the obvious injustice and punishment created there-by may be recognized and lead to immediate steps which either end this nightmare by the restoration of my freedom, or will take me away from here and nearer to my dear wife, now living at Fort-Liberty, N.Y., who's suffering is mentally as real and unendurable as that of mine.

V

May I be permitted, Sir, to place the just solution of this problem to your consideration and discretion.

In the first instance, I most earnestly plead that my case be brought to the attention of the President of the U.S., with the fervent prayer, that with the power vested as Commander in Chief of the U.S. Armed forces, the President may restore my freedom, a freedom I never intended to lose. I present this request in view of the fact that the Military Commission before which I was tried did not function as a court, but as a branch of the Executive Arm of the U.S. Government.

This most earnest plea is not made by a man overcome with a feeling of self-pity or possessed by persecution or other complexes and far less by one that now irrationally expects relief of sentence, but made by an innocent man who would rather be dead than suffer much longer under the impact of having been wrongly adjudged guilty of an alleged crime of war against the People of the U.S.. Such a man, thus being alive, cannot plead for mercy, less for clemency, but he first earnestly pleads for truth and justice, then respectfully asks for it, and if of no avail, he fights to establish his innocence and this, again, according to the rules of an honest man. This in full respect of the legal and other restrictions placed upon me, and on the principle, that which was necessary and accepted yesterday may not be so tomorrow, for I can never be made to believe it to be the Tradition of your People, Sir, to punish a man because he could neither be meek nor subservient to the will of Nazism and who, by his own concrete actions, initiative and risk, unmistakably has shown his fidelity and concern for, and trust in, the nation of the only oath he has ever given as a soldier, and that on his enlistment into the U.S. Army to defend its flag in time of war.

In the hope and prayer that the above may be received in its true light, that of forthright honesty and in the sole interest of truth and justice, and that I may anticipate an early reply pointing toward a speedy end of an unjust, undesired and quite unbearable situation, I remain

Very respectfully and most sincerely

George John D. AOCM

G. M. P. 61526, Box 1200, Leavenworth, Kans.

DIRECTOR



**Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.**



IN REPLY, PLEASE REFER TO
FILE NUMBER _____

DATE: April 24, 1947

TO : Major General Thomas H. Green
Judge Advocate General of the Army
War Department
Washington, D. C.

JED
FROM: John Edgar Hoover, Director, Federal Bureau of Investigation

SUBJECT: GEORGE JOHN DASCH, Ernest Peter Burger

Ernest Peter Burger, one of the eight Nazi Saboteurs who was sentenced to serve a life term in the penitentiary by a Military Tribunal in 1942, has now requested that the property listed below, which was taken from him at the time of his arrest, be returned.

- 3 suits clothes
- 1 top coat
- 1 Parker pen and pencil set
- 1 wrist watch, Lord Elgin
- 1 dozen shirts, white
- 1 lot underwear, ties, socks, etc.
- 1 leather suit case
- 1 toilet case
- 4 pair shoes and slippers
- 1 camera, Leica
- 1 exposure meter

Mr. Theron L. Caudle, Assistant Attorney General, Criminal Division, has authorized the return of this property to Burger at this time.

In view of the fact that Burger is a military prisoner, it would be appreciated if you would advise whether you object in any way to the return of the above listed property to Burger at this time.

Samuel C. Royall
Under Secretary of War.
Washington D.C.



Aug. 18. 1946
386 Rombouts Ave
New York City 66. N.Y.

My Dear Sir;

In view of your precise knowledge about the peculiar nature of trial in the case of my husband, George J. Dasch, and therefore in possibly best position to which fairest judge at on the true substance and justification of our contentions, claims and pleas, I take is liberty submitting the attached copies of previous and major correspondence in our fight for truth and justice to your thoughtful consideration. A copy of my last and final plea I have also forwarded to the Secretary of War, and to the U.S. Attorney General.

Most respectfully and sincerely yours.

Mrs. Marie C. Dasch..

W.C. 095 DASH
RHC. (18 Sept 46)

B. Lewis
Adjutant General
The Adjutant General

Oct. 2, 1946
16. Rombault Ave
New York City 266. N.Y.

(A0)

My Dear Sir,

This is in reply to your letter of 26 September, 1946, in which you tell me, "this office is unable to identify the previous correspondence to which you refer,"

Therefore, I herewith again enclose the copy of my previous letter to the Secretary of War, Robert Patterson, dated, August 18, 1946, and I pray, you will give the matter further consideration.

Thank you kindly.

Sincerely yours

Marie E. Dash

1 Incl

0101 sent
17 OCT 46
Hendell, Co. Conn

(18 Sept 46)

141510-C-019

141510-C-019

141510-C-019

C. 095 Dasek

C. (18 Sept

Oct. 2. 1946

3716 Rombouts Ave

New York 66. ny.

Lewis
Major General
The Adjutant General
Washington D.C.

My Dear Sir.

Now, that over a year has passed since my husband, George J. Dasek, respectfully submitted his original pleas of June 10, 1945 and made to the war and justice Departments, calling for a thorough investigation on matters of evidence, information and corroboration which, on the one hand and at the time of his trial could not, and on the other, were not admitted in evidence during his trial before the Military Commission, however, easily available ever since the defeat of Nazism, and which will further strengthen the unblemishable truth as to the real and only motive and intent of my husband's actions and efforts, thus crystallizing his success and more-over his risk in combatting and frustrating the sabotage missions planned in the formerly existing German High Command and directed against our people, I now make my last and most earnest plea for a speedy end of a punishment forced upon my husband, which even at its best, is ironical, paradoxical, and certainly most undeserved...

This latter judgment, I assure, is neither irrational nor emotion but the only and natural conclusion clear and true facts will allow...

It is a matter of my precise knowledge and that of trial record, the latter especially when seen in the light the investigation will disclose, that the conviction of my husband was in result of charges based on illogical deductions, comment conclusions and interpretations with which the prosecution succeeded to cripple, distort and to pervert the whole and true intent and factual sub-
stance of my husband's courageous actions and best efforts with which he most tellingly demonstrated his deep hatred toward Nazism and,

Yours truly
G. J. Dasek

without any ~~on~~ consideration in mind the common good, his love, respect and concern for our people,

It should be clear to anyone, that in face of such basic truth, I am seeking to erase the gross injustice my husband has to endure, It should be equally obvious that I am not alone in this justified striving...

Further more, I am satisfied that we, my husband and myself, have done our best to live up to the principle of the maximum of fairness in this striving. we have been forthright and direct, we have exercised patience, understanding and restraint, and that it may not otherwise be construed, this, as all her previous pleas by my husband and myself, is not a plea for mercy or leniency, but is now a serious challenge for the enactment of the principles of fairness and that of true justice, such as, the full light of truth, common logic and of evident facts must decide...

Therefore, I pray, that the final decision on the matter of clemency in the case my husband, now pending in the war Department, as indicated by its communication April 16, 1946, is at hand and be of a nature conducive to a final and equitable close of a peculiar chapter my dear husband, an innocent man, has to endure...

May the above be accepted in the same forthright and amiable spirit as given, as such, will serve the interest of truth and justice, In this spirit and justified hope, I am awaiting the final decision by the war Department and remain, Very respectfully and most sincerely yours...

Mrs. Marie C. Dodd

Prisoner Section ~~Confidential File~~ *Parole* *Johnson Attorney*

E. P. BURGER #62727

DEC 4 - 1946
DEPT. OF JUSTICE

ATLANTA, GA. 11-14-46

PK?

MR. TOM C. CLARK
ATTORNEY GENERAL

RECEIVED

NOV 25 1946

UNITED STATES BOARD OF PAROLE

Sir:

It has been my intention, ever since I left Germany in 1942, to cooperate fully with the Government of the United States.

My assistance was in the nature of voluntary information, offered by me freely and without any coercion from US Government officials.

Information forwarded by me covered wide and numerous fields and has been confirmed in every case as exact and correct in every detail. Whenever I could be of help in the prosecution of Nazi-Agents I testified openly and voluntarily.

The motive of my attitude was not hope of personal gain in any form, but the result of my selfless conviction that the NSDAP must

W. J. P. 12/16

be destroyed. I had to go all the way to contribute my part to this task.

I did understand from the start that military and political reasons would forbid my release during the period of National Emergency in the USA.

Now however, 18 months have passed since the defeat of Germany, and 15 months since the surrender of Japan.

Please Mr. Clark review my case now and give my actions since landing in 1942 consideration.

During the 4½ years of imprisonment I repeatedly expressed the wish to remain in the USA after my release from prison - if necessary under an assumed name. I am sorry that this wish apparently cannot be granted.

Developments in Germany lead me to believe that I can be of service in the execution of certain US-policies.

Please consider the following possibilities:

1. Active cooperation in the Denazification Program.
2. Creation of a small but efficient Private Agency for information, liquidation of Party and Gestapo remnants, recovery of missing persons, art-treasures and valuable.
3. Assistance in the organization of the nucleus for a Federal Police similar to the FBI, which on a highly professional career basis should replace political appointments.
4. Creation of a weekly news-magazine similar to "Time", which should report facts and the truth independently and outside of all party-affiliations.

If it should prove impossible to grant me permission to stay in the USA, I would be deeply thankful to you, Sir, if you would

C O P Y

July 12, 1946

The Honorable Tom C. Clark
Attorney General, United States
2101 Connecticut Avenue
Washington, D. C.

My dear Mr. Attorney General:

Out of the blue sky Mrs. Marie Dasch - who seems herself a very good American but is loyal to her husband, G. J. Dasch - came to see me some months ago. From several talks with her, from letters that she has shown me, and from Mr. J. Edgar Hoover I gather that there is no doubt of the value of the testimony that Dasch and Burger gave in forestalling the enormous damage that might have been done by the group of Nazi saboteurs to which they belonged.

Dasch, as you know, alleges that he joined the group in Germany with the deliberate intention of betraying his associates to the American government. In any case, he did it, and now that the war is over I should think there might be, as his wife so earnestly pleads, a real case in justice for shortening his sentence. She alleges some official intimation that this would be done.

I should appreciate any information you can give me on the merits of Mr. Dasch's case as you see it.

I am sending a copy of this letter to the Secretary of War.

Sincerely yours,

Norman Thomas

nt/ja

REC'D O.C.S. 27 AUG 1946

% Fitch C. Bryant, Esq.,
290 Riverside Drive,
New York 25, New York,

August 23, 1946.

General Dwight D. Eisenhower, U. S. A.,
Chief of Staff of the Army,
Washington, D. C.

Sir:

Under date of April 26, 1946, I took the liberty of addressing you concerning the Army trials and the imprisonment of the Germans George Dasch and Ernest Burger, who were members of the group of Nazi saboteurs apprehended in the United States in 1942 but who had satisfactorily proven that they had actually come to this country for the purpose of defeating the saboteurs' objective; I expressed the hope that such steps might be taken as would lead, through White House, Army, or other channels, to the exoneration and release of these men, if not to their reward, even belatedly, for their courageous services to our country.

In reply to my communication I received a letter, dated May 13, from Colonel Albert W. Johnson of the Judge Advocate General's office and Chief of the Military Justice Division, informing me that the cases of the two men above named were at that time under consideration "for clemency". I should greatly appreciate your information as to what disposition has been made of these cases and, if they have indeed been released, as to whether Dasch and Burger have been repatriated or are still in the United States; and if exonerated and in this country I should like very much to know their addresses in case you are able to suggest a method whereby I might contact them - and provided my procedure is not unethical.

Thanking you in advance for the courtesy of your information, I am, Sir,

Respectfully yours,

Harris N. Cookingham.

MAILED
Washington, D.C.
23 Aug 1946

27 AUG RECD

Hon. Tom. E. Clark
U.S. Attorney General
Dept. of Justice
Washington D.C.

August 24, 1946
3786 Combault Ave
New York 66. N.Y.

My Dear Sir...

Now, that over a year has passed since my husband, George J. Dark, respectfully submitted his original pleas of June 10, 1945 and made to the War and Justice Departments, asking for a thorough investigation on matters of evidence, information and corroboration which, on the one hand and at the time of his trial could not, and on the other, were not admitted evidence during his trial before the Military Commission, however, easily available ever since the rat of Nazism, and which will further strengthen the unblemishable truth as to the real and only motive and intent of my husband's actions and efforts, thus crystallizing his success and more on his risk in combatting and frustrating the sabotage mission planned in the formerly hostile German High Command and directed against our people., I now make my last and most earnest plea for a speedy end of a punishment forced upon my husband, which even at its best, is onerous, paradoxical and certainly most undeserved...

This latter judgment, I assume, is neither irrational nor emotional, but the only and natural conclusion clear and true facts will allow.,

It is a matter of my precise knowledge and that of trial record, the latter especially when in the light the investigation will disclose, that the conviction of my husband was in result of bungled or illogical deductions, convenient conclusions and interpretations with which the prosecution succeeded in crippling, distort and to pervert the whole and true intent and factual substance of my husband's courageous actions and best efforts with which he most tellingly demonstrated his deep hatred towards Nazism and, with any other considerations in mind the common good, his love, respect and concern for our people.

It should be clear to anyone, that in face of such basic truth, I am seeking to erase the gross injustice my husband has to endure. It should be equally obvious that I am not alone in this fight against this string.

Further - more, I am satisfied that we, my husband and my self, have done our best to live up to the principle of the maximum of fairness in this string. We have been forth-right and direct, we have exercised patience, understanding and

restraint, and that it may not otherwise be construed, this, as all other previous pleas by my husband and myself, is not a plea for mercy or clemency, but is now a serious challenge for the enactment of the principles of fair-play and that of true justice, such as, the full light of truth, common logic and self-evident facts must decree.

Herefore, I pray, that the final decision on the matter of Clemency in the case of my husband, now pending in the War Department, as indicated by its communication of April 16, 1946, at hand and be of a nature conducive to a final and equitable closure of a peculiar chapter my dear husband, an innocent man, has to endure.

May the above be accepted in the same forthright and amiable spirit and justified hope, I am awaiting the final decision the War Department and remain, very respectfully and most sincerely yours

Mrs. Marie C. Daseh.

Please Reply
in Duplicate

Department of Justice
UNITED STATES PENITENTIARY
Atlanta, Georgia

Mr. Loveland - Bureau

Ernest Peter Burger, #62727-A

July 25, 1947

PERSONAL AND CONFIDENTIAL

Dear Frank:

In accordance with your letter of July 23, 1947, I interviewed Burger this morning regarding his reaction to the tentative plan to return him and Dasch to Germany as prisoners in army custody and there be released subject to parole under the supervision of the United States Commanding General as Military Governor. I discussed the pros and cons very thoroughly with Burger. This is the third or fourth time I have talked with him regarding tentative plans. He is entirely agreeable to any plan worked out by the government which will effect his release and return to Germany at the earliest possible moment.

He would much prefer to be released on parole under the supervision of the Department of Justice here and the Bureau of Prisons in Germany. I believe this desire springs from his rather unsatisfactory experience with army authorities during his trial. Nevertheless he states that if returned to Germany by the army and released on parole, he will rigidly adhere to the conditions imposed on him.

Somewhere along the line I believe that sight has been lost of the tremendous job this man did for our country in reporting of the presence of these groups of saboteurs in this country and then by giving full cooperation to the FBI throughout the war. I don't know what the FBI records show but I do know that I was advised on several occasions by FBI operators in close contact with Burger and they stated unequivocally that his assistance was timely and of great benefit. Furthermore, he testified in a number of court cases which resulted in convictions of saboteurs and espionage agents practically on his testimony alone. That some of these convictions were set aside by Courts of Appeal was no fault of his. His conduct here under very unfavorable circumstances has been exemplary. He has been a diligent worker. He has cooperated with me and the institutional officials in every respect, and he has courage equal to any man I have ever known or heard of. He is straight forward and I believe is honest and has the interests of this country at heart. He has developed himself into a first-class artist during his stay here and could make a living at it on the outside. Over and above

Mr. Loveland

- 2 -

7/25/47

every other consideration, insofar as our country is concerned, he is a walking encyclopedia with respect to the Nazi party and the Nazi program in Germany. He knows by name and by sight all of the Nazi members and from what I can ascertain from him he knows that many of these who are now unknown to the authorities and who are in responsible positions in Germany were actively leading members of the Nazi regime.

It, therefore, seems to me that we should expedite this man's return to Germany under decent conditions and there provide employment for him in the army set-up, either as one of the supervising group over those Nazi and other German malefactors who are on parole or conditional release, or more importantly, as an investigator of matters coming to the attention of the army authorities in connection with Nazi activities. He is intelligent enough to do a good job and in my opinion such employment will repay us many times over. I hope you will pass this along where it will do the most good.

On the other hand, I have no confidence in Dasch and I am firmly convinced that he does not have the interests of this country at heart. He is a communist, trouble maker, bitter because he was not immediately released following the trial by military commission, and I predict if released to Germany, will not be in the American Zone any longer than it takes him to traverse it to the borders of the Russian Zone. I think it is well that I point out also that from the close of the military commission trial I do not know of a single instance where he assisted this country in any respect. If, however, Dasch is returned to the American zone in Germany and does not go immediately to the Russian zone, he should be kept under unrelenting surveillance as in our opinion his remaining in the American zone will be for the purpose of acting as an espionage agent for the Russian interest.

Sincerely,

Joseph W. Sanford
Warden

JAGJ 1946/1139

OCT 20 1947

MEMORANDUM FOR: THE DIRECTOR OF INTELLIGENCE
(ATTENTION: Colonel C. C. Blakeney, Room 2E-836, The Pentagon)

SUBJECT: Extension of Clemency to Ernest Peter Burger and George
John Dasch, German Saboteurs

1. The above-named saboteurs are currently serving long sentences in Federal penitentiaries pursuant to sentence of a Military Commission promulgated in 1942. In consideration of their activities in bringing about the apprehension and conviction of their six co-saboteurs, discussions have been in progress between the Department of the Army and the Department of Justice looking toward their release from confinement.

2. It is now contemplated that, with the concurrence of the Department of the Army and the Theater Commander, The Attorney General will recommend that the President direct that Dasch and Burger be returned to military custody, be transported to Germany and, upon their arrival in that country, be released from confinement.

3. In furtherance of this proposal, the Department of Justice has inquired (ltr of George T. Washington, Assistant Solicitor General to Mr. Kenneth D. Johnson, Special Assistant to the Secretary of War, dated 17 Sep 1947, Incl 1):

"(1) whether Dasch would be a security problem in the American Zone of Occupied Germany if he were released there unconditionally and not under parole; and (2) whether Burger would be given employment by the American Military Government in counter intelligence work, or other employment for which he is fitted."

4. The Secretary of the Army has directed that "a full summary of these cases be prepared, initially by G-2, for the purpose of forwarding it to" the Theater Commander (Memo, 18 Sep 47, subject: Dasch and Burger, German Saboteurs, Incl 2).

wer
Voorhis, N.R./cfs/bt

JAGJ 1946/1139

5. It is requested that the above summary be prepared and returned to this office for transmittal to the Theater Commander.

Signed

THOMAS H. GREEN
Major General
The Judge Advocate General

THG

4 Incls

1. Copy memo of Special
Asst to SA, 18 Sep 47,
w/copy ltr of Asst Sol Gen,
17 Sep 47
2. Copy memo from Asst Sol Gen
to Col Voorhis, 8 Oct 47
3. Copy memo from Director, FBI,
to Atty Gen, 26 Oct 44
4. Copy memo for Sol Gen from
Actg Dir, Bureau of Prisons,
4 Aug 47, w/copy incls

RECEIVED
JAG DEPARTMENT
OCT 1 1947



OCT 1 1947

OCT 20 47 PM



DISPATCHED
WAR DEPARTMENT
J. A. G. O.

1. The above information is being furnished to you for your information and is not to be used for any other purpose.
2. The above information is being furnished to you for your information and is not to be used for any other purpose.
3. The above information is being furnished to you for your information and is not to be used for any other purpose.
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10. The above information is being furnished to you for your information and is not to be used for any other purpose.

The above information is being furnished to you for your information and is not to be used for any other purpose.
J. A. G. O.

The above information is being furnished to you for your information and is not to be used for any other purpose.
J. A. G. O.

~~CONFIDENTIAL~~

*Take the position, at
also for value.*

The one week delay in actual surrender was no doubt regarded as not dangerous, as they were under orders ~~not~~ to commit ^{by them} sabotage for three months (R. 2566). They could logically expect their Nazi associates to obey this command religiously. As they planned to surrender anyway, the delay was more risky to their own lives than it was to our national defense, because it was always possible that they might be captured ~~and~~ ^{as violators of the law} they ~~now~~ surrendered even though they had a suspicion that the Gestapo might have channels even into the F.B.I., which could react against their relatives in Germany. It is believed, therefore, that ~~the interests of~~ public policy will be ~~best~~ served in this case by ^{extension of} ~~granting~~ clemency, ~~at this time~~. If it be regarded as establishing a precedent, it will ~~only~~ be a good precedent, namely, that any foreign saboteur or espionage agent who promptly surrenders himself and his fellow-conspirators after being landed covertly upon our coast will be treated more leniently than will his associates or any other such agents who do not surrender but ~~are~~ ^{are} later captured.

however

6. It is ~~not~~ believed that a full executive pardon is appropriate in this case, ~~however~~. The military commission which heard the prisoners' testimony apparently did not credit their story fully, believing, no doubt, that they surrendered more from fear of being eventually discovered than from their alleged predesigned agreement. A full pardon, in American ^{has been said to} law, ~~removes~~ all the penal consequences of the offense (U.S. v. Klein, 13 Wallace 147). As the Supreme Court put the rule in Ex Parte Garland, 4 Wallace 380, 18 Lawyer's Edition 366: "A pardon reaches both the (Underscoring supplied). While sound public policy favors an incentive to the prompt surrender of foreign agents, whether or not they ever intended to carry out their mission, the extension of clemency to such offenders should not take the form of erasing their guilt as found by the tribunal which convicted them."

~~CONFIDENTIAL~~

^P
~~That~~ Burger had been interned by the Gestapo in a German concentration camp for seventeen months (R. 2565, 2566, 2600), ^{that} ~~that~~ Burger was under the impression that the Gestapo had agents even in the F.B.I. (R. 2565, 2566), ^{stated he} ~~that~~ Burger would have taken the witness stand for the prosecution but his lawyers, also representing the other accused, advised him not to ^{do so} ~~take~~ the stand for the prosecution (R. 2593), ^{stated he} ~~that~~ Burger was a naturalized United States citizen (R. 2594, 2626, Ex. P-266), ^{that} ~~that~~ Burger ^{stated he} ~~that~~ Burger was formerly served honorably in the Michigan and Wisconsin National Guards (R. 2594, 2703), ^{stated he} ~~that~~ Burger joined the German army (R. 2595) ^{stated he} ~~that~~ Burger had been a Nazi in 1928 to 1925 and from 1933 to 1934, but ~~he~~ was associated with the Roehm group which was eliminated in the "blood purge," after which event Burger tried to leave Germany

Burger
^

(R. 2596-2597). ^{Marie C. Dasch, is a native born citizen of the United States (R. 1037). Vaso Dasch} ~~Marie C. Dasch, is a native born citizen of the United States (R. 1037). Vaso Dasch~~ ^{stated he} ~~that~~ Burger had been a Nazi in 1928 to 1925 and from 1933 to 1934, but ~~he~~ was associated with the Roehm group which was eliminated in the "blood purge," after which event Burger tried to leave Germany

considerable correspondence sympathetic to "justice" and "clemency" for these prisoners. The Attorney General made the facts and testimony in the case public in November, 1945. The national publicity ^{given the case} ~~which~~ ^{is probably the reason for} ~~followed is regarded as the cause for~~ letters written about this case.

5. Inasmuch as ^{it is arguable that} ~~the subject~~ prisoners spared the life and liberty of the U.S. Coastguardsman, and Dasch particularly was careful to make sure that the man would be able to identify him later, it seems that ^{some} credence should be given to their story that they landed on our soil with the intention of surrender ^{to} ~~It~~ ^{(Compare R. 2857).} It is true that surrender did not occur for a week, but it is also true that Dasch notified the F.B.I. of his arrival, in general terms, the next day after his arrival. The surrender of themselves and their associates is certainly not the type of action which would be expected of ardent or faithful Nazis, and it is definitely ^{in the case of incoming spies & saboteurs} ~~the type of action which public policy should encourage in every possible~~ way. ^{Dasch & Burger, if their story be true,} ~~The men~~ risked their lives in their venture, because they had no assurance that the death sentence would not be pronounced and executed. Had they merely deserted their mission, they might never have been discovered, and their companions might have committed substantial sabotage.

Dasch was not served honorably
inasmuch as he is a native born citizen of the United States (R. 1037).
To Sept 19 1945 when he purchased his discharge (R. 1035)

3
~~CONFIDENTIAL~~

JAGJ 1946/1139

~~CONFIDENTIAL~~

SEP 10 1947

MEMORANDUM FOR MR. KENNETH D. JOHNSON, SPECIAL ASSISTANT TO THE
SECRETARY OF WAR:

SUBJECT: Dasch and Burger, German Saboteurs

Following receipt of your memorandum of 8 September 1947, I examined the files in the above matter in the office of the Assistant Solicitor General. I attach photostatic copies of the following:

1. Memorandum of A. H. Conner, Acting Director of the Bureau of Prisons, to the Solicitor General, 4 August 1947.
2. Letter of Frank Loveland to the Warden, Leavenworth Penitentiary, 23 July 1947.
3. Letter of Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia, to Mr. Loveland, 25 July 1947.
4. Statement of George John Dasch, dated 28 July 1947, directed to Mr. Hunter.

The above inclosures summarize the position of Dasch and Burger with respect to release on parole in Germany under the jurisdiction of the United States Military Governor. The statements of the Warden of the United States Penitentiary at Atlanta, Georgia, found in the last paragraph of his letter, were referred for comment to Mr. J. Edgar Hoover who replied in a brief manner that he adhered to his former position that Dasch and Burger should be treated alike.

A notice of deportation and accompanying papers was served upon Dasch in the Penitentiary. Mr. Washington is in charge of the matter of these two prisoners and will report directly to The Attorney General. The burden of going forward and taking any new steps at this time rests by agreement with the Department of Justice.

I would appreciate it if you would return the inclosures when they have served your purpose.

4 Incls
As listed

NICHOLAS R. VOORHIS
Lieutenant Colonel, JAGD

*Automatically Regraded UNCLASSIFIED
Authority E.O. 12065
Voorhis, NR/cfs*

~~CONFIDENTIAL~~

This memo stamped confidential
because of inclosures.

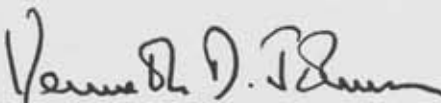
WAR DEPARTMENT
WASHINGTON

September 8, 1947

46/1139

Memorandum for Lt. Colonel Nicholas R. Voorhis, JAG,
Room 4E 459, The Pentagon:

In the matter of Burger and Dasch (German saboteurs), I talked on the telephone today with Mr. George T. Washington, Assistant Solicitor General. He said that he had been away for three weeks and would take these cases up with The Attorney General right away. He did suggest that it might be advisable for you to drop by and look over the Justice files. I would appreciate it if you would do this and then report to me as to what if anything new you found in those files.


Kenneth D. Johnson
Special Assistant to
the Secretary of War

September 8, 1947

Memorandum for Lt. Colonel Nicholas R. Voorhis, JAG,
Room 4E 459, The Pentagon:

In the matter of Burger and Dasch (German saboteurs), I talked on the telephone today with Mr. George T. Washington, Assistant Solicitor General. He said that he had been away for three weeks and would take these cases up with The Attorney General right away. He did suggest that it might be advisable for you to drop by and look over the Justice files. I would appreciate it if you would do this and then report to me as to what if anything new you found in those files.

(SIGNED) KENNETH D. JOHNSON

Kenneth D. Johnson
Special Assistant to
the Secretary of War

KDJ/es

(Copy for Col. Voorhis)

September 18, 1947

Memorandum for Record:

Subject: Dasch and Burger, German Saboteurs

Lt. Col. Nicholas R. Voorhis, JAGD, called this morning with the attached letter from Assistant Solicitor General George T. Washington in further reference to Dasch and Burger (German saboteurs).

After a rather detailed discussion with Colonel Voorhis he and I agreed (1) a full summary of these cases is to be prepared, initially by G-2, for the purpose of forwarding it to General Clay. This summary is to be written on the theory that General Clay has absolutely no knowledge of any of the facts. (2) A letter will be sent to General Clay by General Noce, enclosing the summary and a copy of the letter I received from Mr. Washington dated 17 September 1947, requesting General Clay's comments and recommendations for reply to Justice. (3) An interim reply to the attached letter will be given informally by Colonel Voorhis to Justice to the effect that this letter has been received, that we are consulting with General Clay and that upon advice from him will send a firm answer to the attached letter.

(SIGNED) KENNETH D. JOHNSON

Kenneth D. Johnson
Special Assistant to
the Secretary of the Army

KDJ/es

September 17, 1947.

Mr. Kenneth D. Johnson,
Special Assistant to the Secretary of War,
War Department,
Washington, D. C.

Dear Mr. Johnson:

Referring to your recent letter in regard to George John Dasch and Ernest Peter Burger:

We have discussed with Colonel Voorhis the problems raised by the possible return of these men to Germany. It would be helpful if this Department could be definitely advised as to the attitude of the War Department respecting (1) whether Dasch would be a security problem in the American Zone of Occupied Germany if he were released there unconditionally and not under parole; and (2) whether Berger would be given employment by the American Military Government in counter intelligence work, or other employment for which he is fitted.

Sincerely yours,

George T. Washington,
Assistant Solicitor General.

September 18, 1947

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Subject: Dasch and Burger, German Saboteurs

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/s/ Kenneth D. Johnson

Kenneth D. Johnson
Special Assistant to
the Secretary of the Army

KDJ/es

Incl 1

September 17, 1947.

Mr. Kenneth D. Johnson,
Special Assistant to the Secretary of War,
War Department,
Washington, D. C.

Dear Mr. Johnson:

Referring to your recent letter in regard to George
John Dasch and Ernest Peter Burger:

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raised by the possible return of these men to Germany.
It would be helpful if this Department could be definitely
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unconditionally and not under parole; and (2) whether
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Government in counter intelligence work, or other employ-
ment for which he is fitted.

Sincerely yours,

George T. Washington
Assistant Solicitor General.

Incls 1²

more
J.A.
nee. ac.

THE DEPT. OF JUSTICE
RECEIVED
JUL 19 1947
U.S. DEPT. OF JUSTICE
JUL 19 1947

WAR DEPT. TH. Under
ASSISTANT

P. O. Box 626,
San Diego, 12,
California, 26

August 18, 1947.

AM 9:23

The Honorable

The President of the United States of America,
Washington, D. C.

Sir:

I have the honor to quote the contents of a letter which I
addressed to you under date of June 3, 1947, as follows:

I have the honor to quote the contents of a commun-
ication which I addressed to you on March 29, 1947, as
follows:

I have the honor to refer to a communication
which I addressed to you on January 22, 1946 (1946),
requesting your consideration of the possibility and
appropriateness of your intervention, as Commander-
in-Chief of the Army, after due investigation of the
facts, in the cases of George Dasch and Ernest Burger,
who were imprisoned in 1942 ostensibly as "Nazi
saboteurs" but whose acknowledged and proven inten-
tions were to cooperate with the United States against
Nazi enemies and who actually supplied our Govern-
ment with useful, even vital, information that thwart-
ed the activities in the United States of a group of
trained saboteurs. It would seem logical, indeed,
to have rewarded these young men for their bravery
and their cooperation rather than to have imprisoned
them; and I expressed that opinion in my letter above
referred to. But these men are still in prison, -
Dasch at Leavenworth and Burger at Atlanta.

Is there nothing that can be done, Sir, to ex-
pedite the consideration of the question of release
of these two men, who have apparently been the vic-
tims of tragic injustice?

In response to the letter ((of March 29, 1947)) above
quoted I received from the Assistant Attorney General a
communication dated April 17, 1947, the contents of which
I quote, as follows:

Your letter of March 29, 1947, addressed to the
President, pertaining to the release from prison of
George Dasch and Ernest Burger, was forwarded to the
Department of Justice.

Due to the fact that Dasch and Burger are mili-

OSR 095 Dasch, George John (8-18-47)

9-SEP '47 PM



RECEIVED
WAR DEPARTMENT
J. A. G. O.

tary prisoners your letter has been referred to the Secretary of War for appropriate attention.

From the War Department I have received no communication whatever relative to the letter which I addressed to you, as quoted above, under date of March 29 last; nor have I received any reply whatever to the letter which I addressed to the Secretary of War on January 11, 1947, as quoted here:

I have the honor to refer to the self-explanatory letter which I addressed to you under date of January 22, 1946, concerning the imprisonment of George Dasch and Ernest Burger, the circumstances of whose trial was set forth in "Newsweek" (November 12, 1945) under the title of "From the Capital: The Untold Story of the Nazi Saboteurs" (a copy of which I forwarded with my letter above referred to).

In response to my letter I received a communication, dated April 16, 1946, from the Office of the Judge Advocate General, informing me that my letter had been referred to that office for answer and that "the voluminous record of trial in the case involving the persons mentioned has been reexamined and you may be assured that your comments and recommendations are being considered in connection with a study of the matter of granting clemency to these persons".

2 | As the foregoing statement was made almost nine months ago I take the liberty of inquiring whether the War Department is still deliberating on these cases.

In the light of the foregoing facts and the present situation might it not be possible for you, Sir, to cause such steps to be taken as would expedite the release of Dasch and Burger, who have already been confined for more than five years as our Government's reward for their acknowledged and courageous war-time aid to the United States in thwarting Nazi sabotage? Is not release, indeed, the least that can be done for them - and without delay?

In answer to the foregoing letter ((of June 3, 1947)) here quoted in full I received from the Assistant Attorney General the following communication, dated June 25, 1947:

Your letter of June 3, 1947, addressed to the President, relative to the release from prison of George Dasch and Ernest Burger, has been forwarded to the Department of Justice.

Due to the fact that Messrs. Dasch and Burger are military prisoners within the jurisdiction of the War De-

- 3 -

partment, your letter has been respectively referred to the Secretary of War for appropriate consideration.

From the War Department I have received no reply whatever to this letter, as to those above quoted.

In the light of the ascertained facts in these cases would it be possible for you, Sir, to act with a view toward the eventual release of Dasch and Burger? I trust that, in any event, it may be feasible to obtain a report on the present status of these men, who are, as I have previously stated, apparently the victims of a tragic injustice that it is high time to remedy.

Thanking you in advance for your kind consideration of this matter, I am, Sir,

Respectfully yours,

Harris N. Cookingham
Harris N. Cookingham.

RECEIVED
JAN 10 1950
U. S. DEPT. OF WAR

50 JAN 10 1950

DISPATCHED
COORDINATION & RECORD
DIVISION

1947 AUG 26 10 13

OFF SEC WAR

26 AUG '47 AM



OFFICE UNDER SECRETARY
MAIL AND RECORDS

RECORDED IN MAIL & RECORDS
OUSW

1139

DO NOT DETACH THIS SLIP
Return accompanying papers to
4E 886 PENTAGON BUILDING
OFFICE OF THE ASSISTANT SECRETARY OF WAR

Date 4 Sept 47

Subject: ~~Dis.~~ George John Dasch. (Ltr to President
8-18-47, from Harris
To: Judge Advocate General's Office N. Cookingham)

For: 2C 452

- 1___ Information
- 2 xx Necessary action
- 3___ Necessary action and direct reply
- 4___ Necessary action and prep. of reply for
signature of the Assistant Secretary of War
- 5___ Necessary action and prep. of reply for
signature of the Executive
- 6___ Preparation of memo to inclose with reply
- 7___ Prep. of memo on which to base personal reply
- 8___ Remark and recommendation
- 9___ Comment and/or concurrence
- 10___ Notation and filing or return
- 11___

By direction of The Assistant Secretary of War

[Signature]
WILLIAM H. OSW
Captain 404

4E 937

3429

10 SEP 47 PM



RECEIVED
WAR DEPARTMENT
J. A. G. O

July 26, 1947

TO: Warden Hunter

I, the undersigned, have carefully read the letter addressed to Mr. Hunter, Warden, dated July 23, 1947. I must conclude that the gist contained in the first paragraph stands in contradiction to the proposition made by the Honorable Tom C. Clark, United States Attorney General, to the effect that Dasch would be released if he voluntarily accepted deportation. Inquiries were made as to the exact definition and further on the status of Dasch on his return to Germany, and he received the assurance that, and here I quote the Attorney General that "Dasch would be free as long as he is law abiding".

I have complied with the condition as proposed by the Attorney General, namely not to contest deportation, and consequently measures and procedures have been completed towards my deportation to the effect and fact that on the tenth of July I was furnished with a copy of the order of deportation by the Department of Justice, The United States Immigration and Naturalization Service. Therefore, it seems to me that the gist in the first paragraph of the letter to which we refer, is a matter of contradiction. To be really frank, this is exactly what I was afraid about, namely to be in custody of an authority where the plan of appeal and any other legal process can be denied to me, and furthermore, I categorically state that the last line which says that I am to be under supervision of the United States Commanding General as Military Governor, to assure against any further acts of hostility or sabotage, is a position taken that is a contradiction to facts, as I have at no time ever committed acts of hostility or sabotage against the people or the interests of the people of the United States. In contrast, I have committed acts that were to the exclusive benefit of the people of the United States, and for which if I had failed I would have paid with my life at the hands of those who America and other Nations fought and defeated, namely the Nazis.

The proposition made in this letter I cannot accept for the following reasons:

First: It interferes with the proposition made by the Attorney General.

Second: I have accepted the condition of deportation and have been furnished not only with an order of deportation, but also with a

UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF PRISONS
WASHINGTON 25

August 4, 1947

~~CONFIDENTIAL~~

MEMORANDUM FOR THE SOLICITOR GENERAL

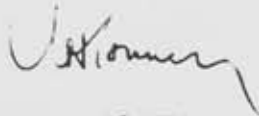
Re: Ernest Peter Burger, #62727-A
George John Dasch, #61536-L

In compliance with your request of July 21, 1947, we wrote the wardens of the United States Penitentiary, Atlanta, Georgia and the United States Penitentiary, Leavenworth, Kansas, requesting that they obtain the reaction of Dasch and Burger to the proposal that they be returned to Germany as prisoners in Army custody and that they be released there subject to parole under the supervision of the U. S. Commanding General as Military Governor.

I am enclosing copies of the replies from Wardens Sanford and Hunter. You will note that Warden Sanford states that Burger is agreeable to any plan worked out by the government which will effect his release and return to Germany. Mr. Sanford also has some comments to make regarding Dasch, who was formerly a prisoner at Atlanta.

Warden Hunter stated in his letter of July 28, 1947 that, "I have had quite a lengthy conversation with Dasch regarding this matter. I thought it best to have him state his reaction in writing, copies of which I am forwarding to you for whatever use you may care to make of them."

I am enclosing a copy of Mr. Loveland's letter to Warden Hunter in order that you may know exactly what Dasch refers to in his statement.


A. H. CONNER
Acting Director

Encs.

C
O
P
Y

July 23, 1947

Personal & Confidential

Warden Hunter, Leavenworth

George John Dasch, #61536-L

Dear Warden Hunter:

We have received a confidential communication from the Acting Solicitor General stating that it has been proposed that both Burger and Dasch be returned to Germany as prisoners in Army custody and that they be released there subject to parole under the supervision of the U. S. Commanding General as Military Governor to insure against any possible further acts of hostility or sabotage.

Mr. Washington has requested that we ascertain Dasch's reaction to this proposal. It should be made clear to him that there is no legal method by which he can remain in this country, because even if he were unconditionally released from confinement, he would be subject to deportation as an alien who entered the country without proper papers. It should also be made clear that the plan is still in a tentative stage.

Will you let me know as soon as possible after you have talked with Burger.

FRANK LOVELAND
Assistant Director

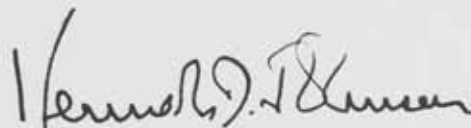
WAR DEPARTMENT
OFFICE OF THE SECRETARY
MEMORANDUM

September 12, 1947

Colonel Voorhis:

The attached enclosures
in your memorandum of September
10 are returned herewith as
requested.

Many thanks.



Kenneth D. Johnson
Special Assistant to
the Secretary of War

for more than five years as our Government's reward for their acknowledged and courageous war-time aid to the United States in thwarting Nazi sabotage? Is not release, indeed, the least that can be done for them - and without delay?

Thanking you in advance for your kind consideration of this matter
I am, Sir,

Respectfully yours,

/s/ Harris N. Cookingham
Harris N. Cookingham.

Due to the fact that Dasch and Burger are military prisoners your letter has been referred to the Secretary of War for appropriate attention.

From the War Department I have received no communication whatever relative to the letter which I addressed to you, as quoted above, under date of March 29 last; nor have I received any reply whatever to the letter which I addressed to the Secretary of War on January 11, 1947, as quoted here:

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As the foregoing statement was made almost nine months ago I take the liberty of inquiring whether the War Department is still deliberating on these cases.

In the light of the foregoing facts and the present situation might it not be possible for you, Sir, to cause such steps to be taken as would expedite the release of Dasch and Burger, who have already been confined

C
O
P
Y

P. O. Box 626,
San Diego 12,
California

June 3, 1947.

The Honorable

The President of the United States of America,
Washington, D. C.

Sir:

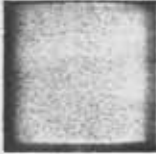
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I have the honor to refer to a communication which I addressed to you on January 22, 1946 (1946), requesting your consideration of the possibility and appropriateness of your intervention, as Commander-in-Chief of the Army, after due investigation of the facts, in the cases of George Dasch and Ernest Burger, who were imprisoned in 1942 ostensibly as "Nazi saboteurs" but whose acknowledged and proven intentions were to cooperate with the United States against Nazi enemies and who actually supplied our Government with useful, even vital, information that thwarted the activities in the United States of a group of trained saboteurs. It would seem logical, indeed, to have rewarded these young men for their bravery and their cooperation rather than to have imprisoned them; and I expressed that opinion in my letter above referred to. But these men are still in prison, - Dasch at Leavenworth and Burger at Atlanta.

Is there nothing that can be done, Sir, to expedite the consideration of the question of release of these two men, who have apparently been the victims of tragic injustice?

In response to the letter above quoted I received from the Assistant Attorney General a communication dated April 17, 1947, the contents of which I quote as follows:

Your letter of March 29, 1947, addressed to the President, pertaining to the release from prison of George Dasch and Ernest Burger, was forwarded to the Department of Justice.



INCLOSURE
Nº 495195
FROM
Department of Justice

7-649

U. S. GOVERNMENT PRINTING OFFICE



TLC:LAR:DTJ

146-7-4219

June 25, 1947

The Honorable
The Secretary of War
Washington, D. C.

My dear Mr. Secretary:

There is enclosed herewith a copy of a letter written by Harris N. Cookingham to the President, dated June 3, 1947, and referred to the Department of Justice for consideration.

You will observe this letter relates to Messrs. George Dasch and Ernest Burger who are military prisoners. You will also recall that this correspondent previously wrote to the President on March 29, 1947, an acknowledgment of his inquiry being made by the Department of Justice on April 17, 1947. We referred this inquiry to you on April 17, 1947. We are today advising Mr. Cookingham of this second reference to you but have not furnished him any other information.

You will recall the proceedings in this matter are reported in Ex Parte Querin, et al., 317 U. S. 17.

Respectfully,

For the Attorney General

THERON L. CAUDLE
Assistant Attorney General

Enclosure No. 495195



WFO:SAI:GHT

WFO-7-23-51

WFO-7-23-51

The Honorable
The Secretary of War
Washington, D. C.

My dear Mr. Secretary:

There is enclosed herewith a copy of a letter
written by Harry W. Goodingham to the President, dated
June 2, 1947, and referred to the Department of Justice
for consideration.

You will observe this letter relates to Messrs.
George Jacob and Ernest Burger who are military advisors.
You will also recall that this correspondence previously
arose to the President on March 13, 1947, an acknowledgment
of his inquiry being made by the Department of Justice on
April 17, 1947. We referred this inquiry to you on April
17, 1947. We are today awaiting Mr. Goodingham's of this
second reference to you but have not furnished him any
other information.

You will recall the proceedings in this matter
are reported in the State Department, Vol. 2, U. S. 17.

Respectfully,

For the Attorney General

THOMAS L. CAUDILL
Assistant Attorney General

Enclosure No. 45125



146-7-4219

RECEIVED
INFORMATION & RECORD
DIVISION



June 25, 1947

157 JUN 55 AM 8:52

OFFICE SECRETARY WAR

My dear Mr. Secretary:

You will observe this letter relates to Messrs. George Dasch and Ernest Burger who are military prisoners. You will also recall that this correspondent previously wrote to the President on March 29, 1947, an acknowledgment of his inquiry being made by the Department of Justice on April 17, 1947. We referred this inquiry to you on April 17, 1947. We are today advising Mr. Cookingham of this second reference to you but have not furnished him any other information.

You will recall the proceedings in this matter are reported in Ex Parte Querin, et al, 317 U. S. 17.

Respectfully,

For the Attorney General

Theron L. Caudle
THERON L. CAUDLE
Assistant Attorney General

Enclosure No. 495195

~~2000-07-15~~ Daily, 11/10/01, 10/10/01 (6-20-07)
2005W 201



30 JUN 47 AM



OFFICE UNDER J.E. HENRY
MAIL AND RECORDS

RECORDED IN MAIL & RECORDS

OUSW

[Faint, mostly illegible typed text, likely a memorandum or letter body.]

DO NOT DETACH THIS SLIP

OFFICE OF THE ADMINISTRATIVE ASSISTANT

DATE JUN 30 1947

To:

☒ Under Sec. of War	Engineers, Chief of
☐ Asst. Sec. of War	Finance, Chief of
☐ Asst. Sec. of War (Air)	Judge Advocate General
☐ Staff, Chief of	Ordnance, Chief of
☐ Army Air Forces	Panama Canal
☐ Chief of Information	Provost Marshal General
☐ L. and LD.	Q. M. General
☐ Public Inf. Div.	Chief Signal Officer
☐ Personnel, Director of	Surgeon General
☐ Adjutant General	Transportation, Chief of

For:

☒ Necessary action
☐ Direct reply
☐ Preparation of reply for signature of Sec. of War
☐ Preparation of reply for signature of Administrative Assistant
☐ Memo. for Sec. of War or Administrative Assistant
☐ Remark and recommendation
☐ Note and return
☐ Previous papers
☐ File
☐ Mark "Personal Attention of Administrative Assistant"
Remarks:

BY DIRECTION OF THE SECRETARY OF WAR:

OSW Form 29
15 May 1947

JOHN W. MARTYN,
Administrative Assistant.

GPO 16-52190-1

U.S. ARMY
COORDINATING STAFF
DIVISION

1947 JUN 30 11 43

OFF SEC WAR

USW File No: 201 Dasch, George
Jahn

referred to: Col. Sammer

Cross Reference: 201 Burger
Ernest

Cross Reference: 040 Justice Dept.

✓
Cross Reference: 1 JUL 1947

OFFICE OF THE UNDER SECRETARY OF WAR

ROOM 3D 746 ITAGON BLDG.

ROUTING SLIP

Date 1 July 1947

To: The Judge Advocate General

(Organization)

(Name or title)
(Building and room)

Subject: Ltr fr Theron L. Caudle, Asst. Atty. General.,
dtd 25 June 47, to S/W, inclosing cpy ltr fr Mr.
Harris N. Cookingham to the President, dtd 3 June 47,
re - George Dasch and Ernest Burger military prisoners
(Nazi saboteurs).

For accomplishment *2/2/47* IF action is
delayed beyond this date, please notify Br. *5/4/48*

- 1 ___ For direct reply
- 2 X Preparation of reply for signature of Under Secretary of War
- 3 ___ Preparation of reply for signature of Executive Officer
- 4 X Necessary action
- 5 ___ Remark and recommendation
- 6 ___

By direction of the Under Secretary of War:

FROM

AWA
Arthur W. Allen, Jr.,
Lt. Col., GSC
Executive Assistant

kva

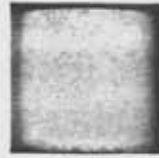
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PHONE

72784

OSW-15
(6-15-44)



1-JUL-47 PM



replied please
not accompany

RECEIVED
WAR DEPARTMENT
J. A. G. O.



Norman Thomas

71 IRVING PLACE
NEW YORK 3, N. Y.

June 2 1947

My approval of a petition for Executive Clemency for George John Dasch is based on the following considerations:

I have never seen the petitioner, or written or spoken to him. My only communication with him has been through his wife, who sought me out after the end of the war to discuss her husband's case with me. Through various long conversations with her, the careful reading of many of her husband's letters, and some independent inquiry into the facts, I came to believe that Mr. Dasch was probably entitled to clemency. In this belief, I discussed the matter with Arthur Garfield Hays, who agreed to see Mrs. Dasch. I was later told that his inquiries confirmed my opinion.

I do not presume to speak with absolute assurance about Dasch's original motives in coming to America as a saboteur. However, even if his statement that he deliberately undertook this role out of friendship for America, in order to betray his associates, is open to doubt there seems to be no doubt that on arrival in America he acted promptly and effectively in the American interest. I cannot see any justice, therefore, in Mr. Dasch's prolonged imprisonment.

I support the application for Executive Clemency, which I think might well be given unconditionally, in view of all the circumstances. His enforced return to Germany might easily have dangerous consequences to him.

Witnessed by:

Madeleine Trummer

Pearl M. Slawson

Norman Thomas

Dasch in jail, and I feel the same way.

I understand from my talks with the Attorney General that the idea is to release Dasch on the condition he agrees to go to Germany. Personally I feel that this is a very severe, harsh, and undeserved condition, and so far as I am concerned I sponsor the petition for executive clemency, and without condition.

Arthur J. Felt

that knew of the conditions then existing, the methods and subtlety of
(Continue here)
Sorrels propaganda, and last, by one who knew and felt the sorrows and
tribulations of his own people. To work toward this end I searched for months
for a way to leave Germany. After repeated blind alleys I found this way through
the German High Command with my ready answer of yes to the question posed
in late November 1941, "How would you like to go back to America?". When,
after piecemeal information, I held the picture of what the High Command was
planning against the peoples, which only yesterday were my friends and neighbors,
I listened, conspired and stared for the only purpose and hope to bring the mis-
sion I had been chosen to lead to its complete failure. Consequently, every
move undertaken by me while active in the preparation and last toward
the execution of the mission, were calculated to insure the success of what
I always have considered as my duty, namely, to render this far-reaching
service to the people of the United States, and thus also help to bring the
defeat of Nazism one step nearer. I have fully succeeded in my undertaking,
the spirit of which is manifested by the fact of accomplishment, just as my
failure would have manifested itself by my sure death at the hands and
according to the law of Nazism. These are the fundamental facts in my case.

When I came to the United States, my sole intention was
to inform the authorities here that sabotage parties had come
from Germany and that other such parties were in preparation
for a later invasion. Immediately after my landing, I did in-
form the F. B. I. and the plot was uncovered and future plots
prevented. I feel I, with Burger, was largely responsible for
the arrest and conviction of the Nazi members of the parties.
I could understand why I should be kept in jail during the
war period, but now that the war is over, it seems to me that
my best efforts to the interests of the American people should
be rewarded rather than punished.

RULES GOVERNING PETITIONS FOR EXECUTIVE CLEMENCY

Department of Justice

WASHINGTON, D. C.

1. A formal petition for Executive clemency, addressed to "The President of the United States," executed in duplicate and signed by the petitioner, must be submitted to "The Attorney General" before the question of Executive clemency will be considered. Appropriate forms of petition will be supplied by the Department upon application therefor. These forms may also be obtained from the wardens of the several Federal institutions.

2. The petition should state the name of the applicant, his age, previous criminal record, if any, whether a citizen of the United States or an alien, and, if naturalized, his nationality, the date of his naturalization, his previous occupation and place of residence, the crime of which he was convicted, and the court, district, State, sentence, date of sentence, the penitentiary or prison to which he was sentenced, and the grounds upon which clemency is asked. The petition should be endorsed by two or more credible persons who know the petitioner and are familiar with the facts in the case. (See also rule 16 as to petitions for Executive clemency after completion of sentence.) Additional petitions may be presented signed by citizens generally, but the post-office address of each person so signing should be plainly stated.

3. Petitions should be filed sufficiently in advance of the date when action is desired to enable the pardon attorney to secure the necessary reports and prepare the case, and to allow the Attorney General and the President time to give the petition appropriate attention.

4. Petitions for Executive clemency by persons convicted in military or naval courts or tribunals should be sent to the Secretary of War or the Secretary of the Navy.

5. Petitions relating to offenses committed against the United States in Puerto Rico, Hawaii, Virgin Islands, and Canal Zone, and both Federal and Territorial offenses committed in Alaska should be addressed to the President of the United States, and follow the outline indicated in rule 2. In an urgent case such a petition may be presented to the United States attorney for the Territory or division in which the petitioner was convicted, who will proceed in accordance with rule 11 and forward the petition with the required reports and recommendations to the Attorney General. If the petitioner is confined in an institution within the Territory, the United States attorney will procure and forward reports from the warden and the institutional physician.

6. Petitions relating to offenses against Territorial laws, except in Alaska, should be sent to the Governor or Board of Pardons of the Territory where the offense was committed.

7. A petition for Executive clemency will not be regularly entertained until after the person convicted has served some portion of the term of imprisonment, nor, if such term is more than one year, unless he has reached his parole eligibility date and been denied parole. Every prisoner applying before his parole eligibility date must show why parole procedure, in due course, would not substantially meet the requirements of his case.

8. A petition for Executive clemency by a person on parole will not be entitled to be referred under rule 11, unless the petitioner has been under parole supervision not less than 4 years. (See rule 16.)

9. Petitions for Executive clemency will not be submitted to the President pending appeals from judgments of conviction; nor shortly before the expiration of sentence, except in unusually urgent and meritorious cases.

10. Time spent in jail before commitment to imprisonment pursuant to final judgment of conviction will not be regarded as a ground for Executive clemency.

11. When a petition is received it shall, subject to rules 7, 8, and 16, be referred at once, with the accompanying papers, to the United States attorney for the district where the trial took place, directing him to submit his report and recommendation thereon, sending also the statement of his predecessor if he had charge of the case, and the statement of any assistant United States attorney or special attorney for the Government who took part in the trial. He is also directed to secure the recommendation and statement of the sentencing judge, if obtainable, and to furnish excerpts from the docket entries from which a warrant of pardon may be prepared. Reports shall also be secured from the appropriate officers of the several executive departments, from the warden or other custodian, and, if deemed advisable, from the prison physician.

12. It is also permissible, where the exigencies require it, for the United States attorney to submit his report and recommendation, together with the other required reports, in advance of, and without a definite request from, the Attorney General.

13. When none of the officers consulted in compliance with rule 11 advises clemency, the papers shall not be sent to the President, except in capital cases or by his special request, or by special order of the Attorney General, but subject to rules 7, 8, and 16, when any one of the officers consulted advises clemency the papers shall be submitted to the President.

14. A case once referred for reports will not be again referred without a written request from the United States attorney or the sentencing judge, and a case once acted upon by the President will not be reopened except upon the presentation of new and material facts.

15. Reports to the President, by United States attorneys, judges, and other officials are confidential, and are not open to inspection by the petitioner or by any other persons, except with the written assent of the attorney, judge, or official making the report, nor, if such assent be given, unless it be shown that the ends of justice require its disclosure. All other papers, except reports or communications to the President or to the Attorney General by officials, are open to inspection by the petitioner and his attorney or representative.

16. A petition for pardon after completion of sentence will not be referred for reports unless the petitioner has been released from custody not less than 3 years and is not on parole or probation. A longer period may be required before favorable action is taken, dependent largely on the nature of the offense and the character of the petitioner, both before and since his conviction. In cases of perjury, subornation of perjury, or violation of a public trust involving personal dishonesty, or other crimes of a serious nature, the lapse of 5 years after release is usually required. Provided further that when the sentence of a prisoner on parole has been commuted upon a petition presented under rule 8, a petition for pardon will not be referred for reports unless the petitioner has been discharged from supervision not less than 2 years.

17. A petition for pardon after completion of sentence must, in addition to the requirements of rule 2, state the present address of the petitioner, and be accompanied by affidavits from at least three reputable citizens stating their knowledge of the applicant's character, reputation, and occupation since his release from custody. Blank petitions and affidavit forms will be forwarded on request.

18. The record and conduct of each petitioner for pardon after completion of sentence shall be thoroughly investigated by the Federal Bureau of Investigation on request of the United States attorney to whom the petition has been referred.

19. When final action is taken, the petitioner or his attorney is notified of the result. Where clemency is extended to a person in confinement the official warrant of pardon or commutation is sent to the petitioner through the United States marshal or the officer in charge of the place of confinement. In cases where sentence has been completed the warrant is sent to the petitioner.

Approved:

January 19, 1946.

HARRY S. TRUMAN.

TOM C. CLARK,
Attorney General.

Dasch in jail, and I feel the same way.

I understand from my talks with the Attorney General that the idea is to release Dasch on the condition he agrees to go to Germany. Personally I feel that this is a very severe, harsh, and undeserved condition, and so far as I am concerned I sponsor the petition for executive clemency, and without condition.

Arthur J. F. Hays

RULES GOVERNING PETITIONS FOR EXECUTIVE CLEMENCY

Department of Justice

WASHINGTON, D. C.

1. A formal petition for Executive clemency, addressed to "The President of the United States," executed in duplicate and signed by the petitioner, must be submitted to "The Attorney General" before the question of Executive clemency will be considered. Appropriate forms of petition will be supplied by the Department upon application therefor. These forms may also be obtained from the wardens of the several Federal institutions.

2. The petition should state the name of the applicant, his age, previous criminal record, if any, whether a citizen of the United States or an alien, and, if naturalized, his nationality, the date of his naturalization, his previous occupation and place of residence, the crime of which he was convicted, and the court, district, State, sentence, date of sentence, the penitentiary or prison to which he was sentenced, and the grounds upon which clemency is asked. The petition should be endorsed by two or more credible persons who know the petitioner and are familiar with the facts in the case. (See also rule 16 as to petitions for Executive clemency after completion of sentence.) Additional petitions may be presented signed by citizens generally, but the post-office address of each person so signing should be plainly stated.

3. Petitions should be filed sufficiently in advance of the date when action is desired to enable the pardon attorney to secure the necessary reports and prepare the case, and to allow the Attorney General and the President time to give the petition appropriate attention.

4. Petitions for Executive clemency by persons convicted in military or naval courts or tribunals should be sent to the Secretary of War or the Secretary of the Navy.

5. Petitions relating to offenses committed against the United States in Puerto Rico, Hawaii, Virgin Islands, and Canal Zone, and both Federal and Territorial offenses committed in Alaska should be addressed to the President of the United States, and follow the outline indicated in rule 2. In an urgent case such a petition may be presented to the United States attorney for the Territory or division in which the petitioner was convicted, who will proceed in accordance with rule 11 and forward the petition with the required reports and recommendations to the Attorney General. If the petitioner is confined in an institution within the Territory, the United States attorney will procure and forward reports from the warden and the institutional physician.

6. Petitions relating to offenses against Territorial laws, except in Alaska, should be sent to the Governor or Board of Pardons of the Territory where the offense was committed.

7. A petition for Executive clemency will not be regularly entertained until after the person convicted has served some portion of the term of imprisonment, nor, if such term is more than one year, unless he has reached his parole eligibility date and been denied parole. Every prisoner applying before his parole eligibility date must show why parole procedure, in due course, would not substantially meet the requirements of his case.

8. A petition for Executive clemency by a person on parole will not be entitled to be referred under rule 11, unless the petitioner has been under parole supervision not less than 4 years. (See rule 16.)

9. Petitions for Executive clemency will not be submitted to the President pending appeals from judgments of conviction; nor shortly before the expiration of sentence, except in unusually urgent and meritorious cases.

10. Time spent in jail before commitment to imprisonment pursuant to final judgment of conviction will not be regarded as a ground for Executive clemency.

11. When a petition is received it shall, subject to rules 7, 8, and 16, be referred at once, with the accompanying papers, to the United States attorney for the district where the trial took place, directing him to submit his report and recommendation thereon, sending also the statement of his predecessor if he had charge of the case, and the statement of any assistant United States attorney or special attorney for the Government who took part in the trial. He is also directed to secure the recommendation and statement of the sentencing judge, if obtainable, and to furnish excerpts from the docket entries from which a warrant of pardon may be prepared. Reports shall also be secured from the appropriate officers of the several executive departments, from the warden or other custodian, and, if deemed advisable, from the prison physician.

12. It is also permissible, where the exigencies require it, for the United States attorney to submit his report and recommendation, together with the other required reports, in advance of, and without a definite request from, the Attorney General.

13. When none of the officers consulted in compliance with rule 11 advises clemency, the papers shall not be sent to the President, except in capital cases or by his special request, or by special order of the Attorney General, but subject to rules 7, 8, and 16, when any one of the officers consulted advises clemency the papers shall be submitted to the President.

14. A case once referred for reports will not be again referred without a written request from the United States attorney or the sentencing judge, and a case once acted upon by the President will not be reopened except upon the presentation of new and material facts.

15. Reports to the President, by United States attorneys, judges, and other officials are confidential, and are not open to inspection by the petitioner or by any other persons, except with the written assent of the attorney, judge, or official making the report, nor, if such assent be given, unless it be shown that the ends of justice require its disclosure. All other papers, except reports or communications to the President or to the Attorney General by officials, are open to inspection by the petitioner and his attorney or representative.

16. A petition for pardon after completion of sentence will not be referred for reports unless the petitioner has been released from custody not less than 3 years and is not on parole or probation. A longer period may be required before favorable action is taken, dependent largely on the nature of the offense and the character of the petitioner, both before and since his conviction. In cases of perjury, subornation of perjury, or violation of a public trust involving personal dishonesty, or other crimes of a serious nature, the lapse of 5 years after release is usually required. Provided further that when the sentence of a prisoner on parole has been commuted upon a petition presented under rule 8, a petition for pardon will not be referred for reports unless the petitioner has been discharged from supervision not less than 2 years.

17. A petition for pardon after completion of sentence must, in addition to the requirements of rule 2, state the present address of the petitioner, and be accompanied by affidavits from at least three reputable citizens stating their knowledge of the applicant's character, reputation, and occupation since his release from custody. Blank petitions and affidavit forms will be forwarded on request.

18. The record and conduct of each petitioner for pardon after completion of sentence shall be thoroughly investigated by the Federal Bureau of Investigation on request of the United States attorney to whom the petition has been referred.

19. When final action is taken, the petitioner or his attorney is notified of the result. Where clemency is extended to a person in confinement the official warrant of pardon or commutation is sent to the petitioner through the United States marshal or the officer in charge of the place of confinement. In cases where sentence has been completed the warrant is sent to the petitioner.

TOM C. CLARK,
Attorney General.

Approved:

January 19, 1946.

HARRY S. TRUMAN.

Duplicate copies of petition must be submitted in all cases

JUN 5- 1947

PETITION FOR EXECUTIVE CLEMENCY

This form may be used in applying for pardon, commutation of sentence, or remission of fine, but not for pardon after completion of sentence. A different form is provided for applications of that character.

Note carefully the rules printed on verso side of this page, particularly numbers 3, 4, 7, 8, 9, and 10.

U. S. Penitentiary

Leavenworth, Kansas

April 8.

1947

THE PRESIDENT OF THE UNITED STATES:

Your petitioner, George John DASH, a Federal prisoner, No. 61536
 confined in the U. S. Penitentiary at Leavenworth, Kansas
 hereby respectfully prays your Excellency to grant him a Full Presidential Pardon
(Pardon, commutation of sentence, or remission of fine)
 for reasons herein set forth.

Petitioner states that he is a resident of Speyer a/Rhine, State of Germany
 his correct address at the time of conviction being none
 that he is a citizen of Germany, a white man, and was 39
(State whether white, colored, or Indian)
 years of age at the time the crime was committed; that he had not theretofore been convicted of crime
 or indicted therefor, and his record respecting crime other than instant offense is as follows:

(List every arrest- none -and/or conviction Federal, State or Municipal, giving date, court, the sentence imposed, or other disposition of the case)

Petitioner states that he was convicted upon a plea of not ^{before} ~~guilty~~ in the U. S. Military Commission
 Court for the _____ district of _____, at Washington, D.C.
 of the crime of Attempted Espionage and Sabotage against the United States.
(State specifically, accurately, and fully)

and was sentenced August 7., 1942, to imprisonment for death, (commuted by the
President to 30 years imprisonment);

and to pay a fine of \$ _____ and \$ _____ costs,

_____ to stand committed for nonpayment of fine and costs; that the case was taken
and/or conviction Federal, State or Municipal, giving date, court, the sentence imposed, or other disposition of the case)

HAYS, ST. JOHN, ABRAMSON & SCHULMAN

PARDON ATT.
E. W. G.

ARTHUR GARFIELD HAYS
T. RAYMOND ST. JOHN
WILLIAM ABRAMSON
JOHN SCHULMAN
SIDNEY STRUBLE
SEYMOUR M. HEILBRON
MORRIS SHILENSKY
JAMES R. CHERRY
HAROLD EPSTEIN

COUNSELORS AT LAW
120 BROADWAY
NEW YORK 5, N.Y.

CABLE ADDRESS "HASTMOR"
TELEPHONE RECTOR 2-6190

June 4, 1947.

Office of the Attorney General of the United States
Washington, D. C.

Gentlemen:

I am sending you herewith, in duplicate,
petition for executive clemency for George John Dasch.

Yours truly,

agh; the
enclosures ✓

Indy!

COPY Misc-47-Dasch

DML:DMC

25

PK

June 5, 1947

Arthur Garfield Hays, Esq.
Hays, St. John, Abramson & Schulman
Counselors at Law
120 Broadway
New York 5, New York

My dear Mr. Hays:

This is to acknowledge your letter of June 4, 1947,
enclosing petition for Executive clemency by George John Dasch.

As Dasch was convicted by military commission for offenses
against the law of war and the Articles of War, I am referring
this petition to The Adjutant General, War Department, Washington,
D. C.

With kind regards,



Daniel M. Lyons,
Pardon Attorney

COPY

✓ Enclosure





1/ Бисюэлле
СОБХ

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Бисюэлле



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21

СОБХ Бисюэлле

Бисюэлле

AGPK-CR 201
Dasch, George J. (4 June 47)

Clemency

TJAG

TAG

Attn: Chief,
Military Justice Op

11 June 47 Maj Schonberger
Ext 74734

Forwarded for appropriate action in view of the fact that general prisoner was not tried by courts-martial.

FOR THE ADJUTANT GENERAL:

Lloyd R. Garrison, Col. A. G. D.
Chief, Correction Branch, A. G. O.

Adjutant General

Lloyd R. Garrison

2 Incls

Incl 1 - Petition for clemency
Incl 2 - 201 file of Gen Pris
George J. Dasch



461139
WAR DEPT. IT

SECURITY CLASSIFICATION (if any)

DISPOSITION FORM

FILE No. AGPK-CR 201

Dasch, George J. (4 June 47)

SUBJECT

Clemency

TO TJAG

FROM TAG

DATE

11 June 47 Maj Schonberger
Ext 74734

COMMENT No. 1

Forwarded for appropriate action in view of the fact that general prisoner was not tried by courts-martial.

FOR THE ADJUTANT GENERAL:

Lloyd R. Garrison

Lloyd R. Garrison, Col. A. G. D.,
Chief, Connection Branch, Adjutant General A. G. O.

2 Incls

Incl 1 - Petition for clemency

Incl 2 - 201 file of Gen Pris
George J. Dasch

file 5/6/48

JUN 11 '47 AM



RECEIVED
WAR DEPARTMENT
GENERAL RECORDS SECTION
JUN 11 1947



RECEIVED
JUN 11 1947
WAR DEPARTMENT
GENERAL RECORDS SECTION

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 10-11-2000 BY SP-6 BJS/STP

EXEMPT FROM AUTOMATIC DOWNGRADING AND DECLASSIFICATION

RECEIVED
JUN 11 1947
WAR DEPARTMENT
GENERAL RECORDS SECTION

THE SECRETARY

WAR DEPARTMENT

RECEIVED

JUN 11 1947

C

Nº 495692

FROM

Department of Justice

7-840

U. S. GOVERNMENT PRINTING OFFICE

C
O
P
Y

P. O. Box 626,
San Diego 12,
California,

March 29, 1947.

The Honorable

The President of the United States of America,
Washington, D. C.

Sir:

I have the honor to refer to a communication which I addressed to you on January 22, 1946 (1946), requesting your consideration of the possibility and appropriateness of your intervention, as Commander-in-Chief of the Army, after due investigation of the facts, in the cases of George Dasch and Ernest Burger, who were imprisoned in 1942 ostensibly as "Nazi saboteurs" but whose acknowledged and proven intentions were to cooperate with the United States against Nazi enemies and who actually supplied our Government with useful, even vital, information that thwarted the activities in the United States of a group of trained saboteurs. It would seem logical, indeed, to have rewarded these young men for their bravery and their cooperation rather than to have imprisoned them; and I expressed that opinion in my letter above referred to. But these men are still in prison, - Dasch at Leavenworth and Burger at Atlanta.

Is there nothing that can be done, Sir, to expedite the consideration of the question of release of these two men, who have apparently been the victims of tragic injustice?

Respectfully yours,

Harris N. Cookingham.

22 MAY 1947

JAGJ 1946/1139

22 MAY 1947

Honorable John Edgar Hoover
Director, Federal Bureau of Investigation
Department of Justice
Washington 25, D. C.

Dear Mr. Hoover:

In reply to your letter of 24 April 1947 asking whether there is any objection to the return to Ernest Peter Burger, convicted saboteur, of certain clothing and personal effects taken from him at the time of his arrest, there is no objection to the return of these articles to Burger, provided no violation of prison regulations would be involved.

Sincerely yours,

Thomas H. Green

THOMAS H. GREEN
Major General
The Judge Advocate General



Hughes, Wm. J., Jr/cfs

TLC:DA:lr

146-7-4219

April 17, 1947

The Honorable
The Secretary of War
Washington, D. C.

My dear Mr. Secretary:

Please find enclosed herewith a copy of a letter written by Harris N. Cookingham, dated March 29, 1947, and addressed to the President.

This letter was sent to this Department for our consideration and acknowledgment but as it pertains to George Dasch and Ernest Burger, who are military prisoners, we are referring the matter to you. Mr. Cookingham has been advised of this reference but has not been furnished any other information.

As you will recall, Dasch and Burger were tried with several other Nazi saboteurs and are the only two who were not executed. This case is reported under the title, Ex Parte Quirin et al., 317 U.S. 1.

Respectfully,

For the Attorney General

Theron L. Caudle,
Assistant Attorney General

Enclosure #495692

24 APR 47 AM



U.S. DEPARTMENT OF THE ARMY
OFFICE UNDER SECRETARY
MAIL AND RECORDS

RECORDED IN MAIL & RECORDS

RECEIVED
JUN 10 1947
OCSW

ENCLOSURE #12005

FOR THE ATTORNEY GENERAL

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FOR VICTORY

**BUY
UNITED
STATES
WAR
BONDS
AND
STAMPS**

TLC:DA:1r

146-7-4219

April 17, 1947

1947 APR 21 PM 2:47

The Honorable
The Secretary of War
Washington, D. C.

My dear Mr. Secretary:

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Respectfully,

For the Attorney General

Theron F. Caudle

THERON L. CAUDLE,
 Assistant Attorney General

Enclosure #495692

OFFICE OF THE ATTORNEY GENERAL
STATE OF NEW YORK
ALBANY

54766 53 54

OFFICE OF THE UNDER SECRETARY OF WAR
ROOM 3D 746 PENTAGON BLDG.

ROUTING SLIP

Date 29 Apr 47

To: Judge Advocate General's Office
2C 452

(Organization)
(Name or title)
(Building and room)

Subject:

Letter to Sec of War, 4-17-47, from
Theron L. Caudle in behalf of George Dasch
and Ernest Burger, POW general prisoners.
Ltr. from Harris Cookingham encl.

- 1 ___ For direct reply
- 2 ___ Preparation of reply for signature of Under Secretary of War
- 3 ___ Preparation of reply for signature of Executive
- 4 XX Necessary action
- 5 ___ Remark and recommendation
- 6 ___

By direction of the Under Secretary of War:

FROM

Louis H. Goss,
Captain, A.C.

Filed 5/6/48

ROOM

3E 689

PHONE

3429

DO NOT DETACH THIS SLIP

OFFICE OF THE ADMINISTRATIVE ASSISTANT

Date APR 21 1947

To: ☒ Under Sec. of War. ☐ Finance, Chief of
☐ Asst. Sec. of War. ☐ Judge Advocate General.
☐ Asst. Sec. of War (Air). ☐ Ordnance, Chief of
☐ Staff, Chief of ☐ Panama Canal.
☐ Army Air Forces. ☐ Personnel, Director of
☐ Director of Information. ☐ Provost Marshal General.
☐ L and LD. ☐ Q. M. General.
☐ Public Relations. ☐ Chief Signal Officer.
☐ Adjutant General. ☐ Surgeon General.
☐ Engineers, Chief of

For: ☒ Necessary action.
☐ Direct reply.
☐ Preparation of reply for signature of Sec. of War.
☐ Preparation of reply for signature of Administrative Assistant.
☐ Remark and recommendation.
☐ Memo. for Sec. of War or Administrative Assistant.
☐ Investigation and report.
☐ File.
☐ Previous papers.
☐ Mark "Personal attention of Administrative Asst."
Remarks: _____

By direction of the Secretary of War:

Form OSW 29
(9 August 46)

JOHN W. MARTYN,
Administrative Assistant.

DISPATCH
COORDINATION & RECORD
DIVISION

947 APR 21 16 47

OFF SEC WAR

Misc.-46 - Burger

KVH:lg

Warden, United States Penitentiary
Atlanta, Georgia
Daniel M. Lyons, Pardon Attorney

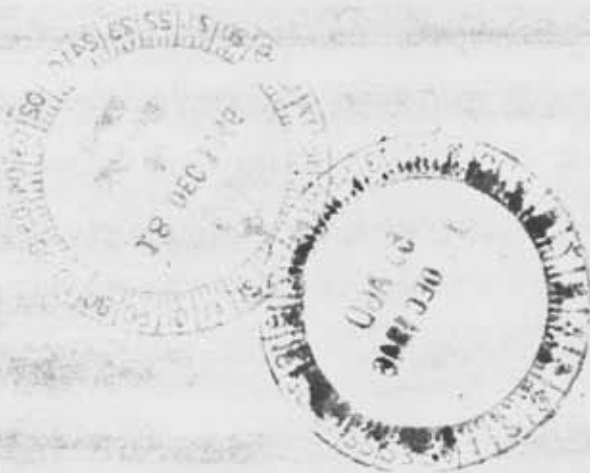
December 13, 1946

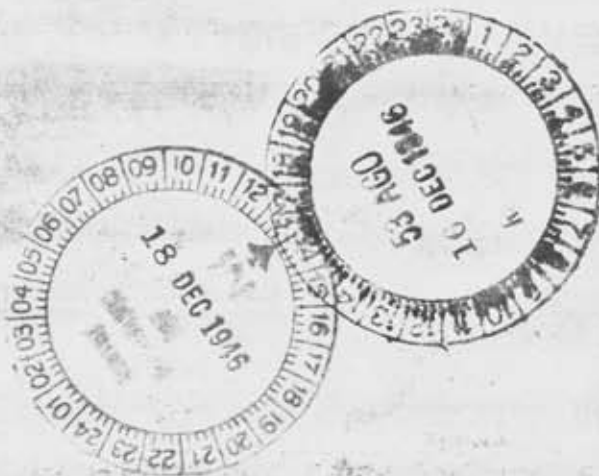
Ernest Peter Burger, No. 62727-A.

Please advise the above-named subject that his letter of November 14, 1946 to the Attorney General has been referred to this office.

It is requested that you inform Burger that inasmuch as he was tried by a military tribunal, I am forwarding his communication to the War Department for such attention by the Adjutant General as may be deemed warranted.

D. M. L.





RECEIVED
OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, D. C.
18 DEC 1945
16 DEC 1945

RECEIVED
OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, D. C.
18 DEC 1945
16 DEC 1945

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WASHINGTON, D. C.
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16 DEC 1945

FORM OSW-17
(3-4-46)

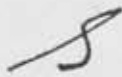
TRANSMITTAL SLIP

Return to Date 14 Oct 46

To: Col Weiss

Request advise as
to nature of reply
to be made. This based
on it was counsel
for other 7 saboteurs.
201 file tabbed for
reference to action to
date

OFFICE OF THE UNDER SECRETARY OF WAR


HENRY J. SOMMER
Lt. Col., JAGD
Assistant

25-77900-125

FORM OSW-17
(3-4-46)

TRANSMITTAL SLIP

Date 14 Oct 46

To: Record

*Rec'd from Lt Col
this date. Delay due
to difficulty in
getting file from
ag.*

OFFICE OF THE UNDER SECRETARY OF WAR


HENRY J. SOMMER
Lt. Col., JAGD
Assistant

25-77950-125

Kenneth C. Royall
Undersecretary of War
Washington D.C.

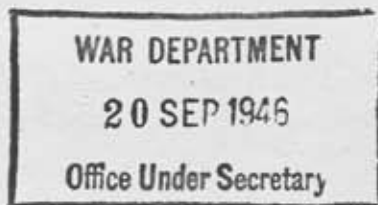
Sept. 18, 1946
3716 Rombouts Ave
New York City 66 N.Y.

My Dear Sir.

May I call attention to my letter of August 18, 1946,
and a reply there-to would be most sincerely appreciated.

Respectfully yours.

Mrs. Marie C. Daseh



OFFICE OF THE UNDER SECRETARY OF WAR
ROOM 3D 746 PENTAGON BLDG.

MARK
783

ROUTING SLIP

Date 21 August 1946

To: Correction Branch, AGO
2E-330 Pentagon

(Organization)
(Name or title)
(Building and room)

Subject: Ltr fr Mrs. Marie C. Dasch, 3706 Rombouts Ave.,
New York City 66, N.Y., to USW, dtd 18 Aug 1946, in
behalf of her husband, George J. Dasch, and enclosing
three copies of previous correspondence on matter.

- 1 ___ For direct reply
- 2 ___ Preparation of reply for signature of Under Secretary of War
- 3 ~~XX~~ Preparation of reply for signature of ~~Executive~~ Col. Sommer.
- 4 ___ Necessary action
- 5 ___ Remark and recommendation
- 6 ___

By direction of the Under Secretary of War:

FROM	<i>Peter Mirakian</i> Peter Mirakian Major, Infantry	PM/ojf	ROOM 3E-689 PHONE 3429
------	--	--------	---------------------------------

OFFICE OF THE DIRECTOR OF THE ARMY

RECEIVED



OFFICE OF THE UNDER SECRETARY OF WAR
ROOM 3D 746 PENTAGON BLDG.

ROUTING SLIP

Date 21 August 1946

To: Lt. Col. Sommer
Rm. 3E-739

(Organization)
(Name or title)
(Building and room)

Subject: Ltr fr Mrs. Marie C. Dasch, 3706 Rombouts Ave.,
New York City 66, N.Y., to USW, dtd 18 Aug 46, in
behalf of her husband, George J. Dashh, and enclosing
three copies of previous correspondence on matter.

- 1 ☐ For direct reply
- 2 ☐ Preparation of reply for signature of Under Secretary of War
- 3 ☐ Preparation of reply for signature of Executive
- 4 ☒ Necessary action
- 5 ☐ Remark and recommendation
- 6 ☐

By direction of the Under Secretary of War:

FROM

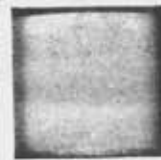
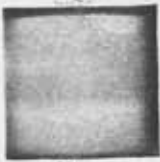
Arthur W. Allen, Jr.,
Lt. Col., GSC
Executive Assistant

rpa

ROOM 3-E-724

PHONE

72784



Headquarters, Army Service Forces
Office of the Judge Advocate General
Washington D.C.

Aug. 8. 1946

Dear Mrs. Dasch.

In reply to your letter of 1 August 1946, your statements relative to your husband's innocence have been carefully considered. There is no way at this time to undertake any review of the findings of the court, which are final. As to clemency, you have been informed that the matter of clemency for your husband is now under consideration in the War Department. Please be assured that you will be promptly advised when a final decision with respect thereto is reached.

Sincerely yours.

Albert W. Johnson

Col. Chief, Military Justice Division

United States
Department of Justice
Washington 25. D. C.

August 13. 1946

Dear Mrs. Dasch.

Your letters of August 4. 1946, to the Attorney General, have been referred to the Judge Advocate General of the Army, since the disposition of your husband's case is a matter within the jurisdiction of the War Department rather than the Attorney General.

Respectfully,

for the Attorney General

Theron L. Candler,

Assistant Attorney General.

Sept. 18, 1946
3716 Rombouts Avenue
New York City 66, New York

Hon. Robert Patterson
Secretary of War
Dept. of Justice
Washington, D. C.

My Dear Sir:

May I call attention to my letter of August 11, 1946,
and a reply thereto would be most sincerely appreciated.

Respectfully yours,

/S/ Mrs. Marie C. Dasch





2/ Mrs. Walter C. Dwyer

Respectfully yours,

and a reply photo would be most sincerely appreciated.
I call attention to my letter of August 11, 1946.

My dear Sir:

Washington, D. C.
Dept. of Justice
Secretary of War
Hon. Robert H. Jackson

NEW YORK CITY, N. Y. NEW YORK
2175 Broadway Avenue
Sept. 18, 1946

BBK/ekb

AGAO-C 095 Dasch,
Marie C. (18 Sep 46)

26 September 1946

Mrs. Marie C. Dasch
3716 Rombouts Avenue
New York City 66, New York

Dear Mrs. Dasch:

This is in reply to your letter of 18 September 1946, addressed to the Secretary of War, regarding your previous correspondence.

From the information contained in your letter, this office is unable to identify the previous correspondence to which you refer. If you care to forward further information or copies of your previous letters, the matter will receive further consideration.

Sincerely yours,

H. B. LEWIS
Brigadier General
Acting The Adjutant General

AGPK-CC

LX

201 Dasch, George J (2 Oct 46)

Clemency

The Judge Advocate General

AGO

30 October 46 Capt. Todd

Attn.: Chief, Military Justice Gp. Clemency Section

2835

Room 2B 464, The Pentagon

Correction Branch

Washington 25, D. C.

Room 2A 336, The Pentagon

Forwarded for consideration and direct reply to writer, who has not been advised of this reference.

FOR THE ADJUTANT GENERAL:

1 Incl.

Adjutant General

Ltr (2 Oct 46) fr

Mrs. Marie C. Dasch,
with incls.





after photo.
Mrs. Marie O. Benson
Tel (S Oct 46) 11
1 photo.

Witness General

FOR THE VOLUNTARY SERVICE:

of this reference.
Solely for consideration and direct reply to letter, who has not been advised

Residence SP. D. G.
Room 3B 401, The Pentagon
Washington, D.C. 20340
The above address is for
Room 3B 332, The Pentagon
Collection Branch
National Archives
VCO

30 Oct 46
Blot, Fred
30 Oct 46

301 Benson, George J (S Oct 46)
VCOX-CC

Clemens

11

DISPOSITION FORM

WAR DEPARTMENT

SECURITY CLASSIFICATION (If any)

FILE No. AGPK-CC

SUBJECT

1X

201 Dasch, George J. (2 Oct 46)

Clemency

TO
The Judge Advocate General
Attn.: Chief, Military Justice Gp.
Room 2B 464, The Pentagon
Washington 25, D. C.

FROM

AGO
Clemency Section
Correction Branch
Room 2A 336, The Pentagon

DATE

30 October 46

COMMENT No. 1

Capt. Todd
2835

Forwarded for consideration and direct reply to writer, who has not been advised of this reference.

FOR THE ADJUTANT GENERAL:

Alan B. Todd
Adjutant General

1 Incl.

Ltr (2 Oct 46) fr
Mrs. Marie C. Dasch,
with incls.



*12/27/46
File - No action
per Maj. J. H. Jr.
cfs*

31 OCT 46 AM



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10. *

[Handwritten signature]

FOR THE RECORDS SECTION:
[Faint, mostly illegible text follows, including "RECEIVED", "INSTRUCTION", and various dates and times.]

DISCUSSION ROOM

help me to get released to Germany in the near future.

Please let me also direct your attention to the fact that since June 1942 I have not received permission to contact my family and I am therefore since $4\frac{1}{2}$ years in complete ignorance as to the fate of my family.

Should there however, exist not the slightest chance for me to get out of prison before the parole-time in my life-sentence, then please Mr. Clark let me know.

Respectfully

Ernst Peter Bismeyer



Prisoner 62727 U.S.P Atlantic.

Attempted espionage and
Sabotage against U.S.

Wash DC (Military Commission)

Sentence life 8/7/42 commuted
from death

BUREAU OF PRISONS
NOV 22 1946
RECEIVED PRISONERS MAIL BOX



1X

AGPK-CC

201 Dasch, George J. (1 Nov 46)

Clemency

The Judge Advocate General
Attn.: Chief, Military Justice Gp.
Room 2B 464, The Pentagon
Washington 25, D. C.

AGO
Clemency Section
Correction Branch
Room 2A 336, The Pentagon

12 November 46 Capt. Todd
2835

Forwarded for consideration and direct reply to writer, who has not been advised of this reference.

FOR THE ADJUTANT GENERAL:

1 Incl.

Ltr (1 Nov 46) fr
Arthur G. Hays,
Counselor at law

Adjutant General





COMMISSIONER OF THE
BUREAU OF REVENUE
WASHINGTON, D. C.
11 NOV 1946

RECEIVED

FOR THE BUREAU OF REVENUE:

OF THIS REFERENCE.

RECEIVED FOR CONSIDERATION AND ACTION BY THE BUREAU OF REVENUE, WASHINGTON, D. C.

WASHINGTON, D. C.
FROM: SAC, NEW YORK
SUBJECT: OFFICE OF THE ATTORNEY GENERAL
RE: THE BUREAU OF REVENUE

FROM: SAC, NEW YORK
SUBJECT: OFFICE OF THE ATTORNEY GENERAL
RE: THE BUREAU OF REVENUE

13 NOVEMBER 1946
SAC, NEW YORK

FOR THE BUREAU OF REVENUE:
WASHINGTON, D. C.

WASHINGTON, D. C.

11

WAR DEPARTMENT
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON 25, D. C.

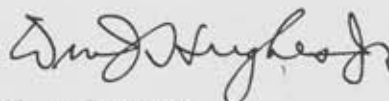
JAGJ 1946/1139

21 April 1947

MEMORANDUM FOR GENERAL GREEN:

SUBJECT: Clemency for Dasch and Berger, German Saboteurs

Now that the Haupt treason case has been won, there is no obstacle to disposing of the Dasch and Berger cases. I talked to George Washington about them yesterday. He will have some emissary approach them to ascertain whether they would regard it as a favor to have clemency extended, recognizing, of course, that they must be deported to Germany. He will let me know soon.



WM. J. HUGHES, JR.
Colonel, JAGD



Norman Thomas

71 IRVING PLACE
NEW YORK 3, N. Y.

June 2 1947

My approval of a petition for Executive Clemency for George John Dasch is based on the following considerations:

I have never seen the petitioner, or written or spoken to him. My only communication with him has been through his wife, who sought me out after the end of the war to discuss her husband's case with me. Through various long conversations with her, the careful reading of many of her husband's letters, and some independent inquiry into the facts, I came to believe that Mr. Dasch was probably entitled to clemency. In this belief, I discussed the matter with Arthur Garfield Hays, who agreed to see Mrs. Dasch. I was later told that his inquiries confirmed my opinion.

I do not presume to speak with absolute assurance about Dasch's original motives in coming to America as a saboteur. However, even if his statement that he deliberately undertook this role out of friendship for America, in order to betray his associates, is open to doubt there seems to be no doubt that on arrival in America he acted promptly and effectively in the American interest. I cannot see any justice, therefore, in Mr. Dasch's prolonged imprisonment.

I support the application for Executive Clemency, which I think might well be given unconditionally, in view of all the circumstances. His enforced return to Germany might easily have dangerous consequences to him.

Witnessed by:

Madeleine Trimmer

Paul M. Slawson

Norman Thomas

~~CONFIDENTIAL~~

13 November 1947

Major General Daniel Hoce
Chief, Civil Affairs Division
Department of Army
Washington 25, D. C.

Dear Dan:

I have considered the cases of the two German saboteurs, BURGER and DASCH, to whom you referred in your letter of 31 October 1947.

From the summaries of the activities of these men, which you attached to your letter, it would seem that cases are entirely different and should be handled separately.

BURGER, it appears, is intelligent, cooperative, and does not bear a grudge. In addition, he is unusually well-informed on the Nazi Party, and could be used to good advantage by our counterintelligence people. In his case, it is recommended that he be returned to Germany under a new name.

DASCH, on the other hand, is a communist and a potential trouble-maker. Since he is embittered by real or fancied mishandling, he would undoubtedly offer his services to the Soviets. His presence in Germany would entail special surveillance, which is of course not desirable. While it is not recommended that DASCH be returned to Germany, his security risk is limited and not sufficient to warrant a special effort to retain him in the United States if it is a matter of commitment to return him to Germany.

Sincerely yours,

LUCIUS D. CLAY
General, US Army

Automatically Regraded UNCLASSIFIED
Authority E.O. 12065

~~CONFIDENTIAL~~

DISPOSITION FORM

WAR DEPARTMENT

SECURITY CLASSIFICATION (If any)

FILE No. AGPK-CC

SUBJECT

201 Dasch, George J. (1 Nov 46)

Clemency

1X

TO

FROM

DATE

COMMENT No. 1

The Judge Advocate General

AGO

12 November 46

Capt. Todd

2835

Attn.: Chief, Military Justice Gp.

Clemency Section

Room 2B 464, The Pentagon

Correction Branch

Washington 25, D. C.

Room 2A 336, The Pentagon

Forwarded for consideration and direct reply to writer, who has not been advised of this reference.

FOR THE ADJUTANT GENERAL:

John B. Wilgus

Adjutant General

1 Incl.

Ltr (1 Nov 46) fr

Arthur G. Hays,

Counselor at law

821

13 NOV 4



RECEIVED
MAR DEPARTMENT
F. A. G. O.

COMMUNIST PARTY
MEMBER OF THE
THE (J. C. C. C.)
UNIT.

WILLIAM J. BROWN

~~OF THE JOURNAL OF THE~~

OFFICE L. L. CLANCEY

SECRET

COLLECTED BY BLOCH
JANUARY 20, 1900
1900

CC-0

01/06/2004

IS: HCA-474. 20 144-2044
COMMERCIAL 401

LABORATION LOKW

General Green:

George Washington thought that as originally worded, the letter committed us to granting clemency. He suggested the new draft.


Col. Hughes.

17 DEC 1946

JAGJ 1946/1139

Honorable George Washington
Acting Solicitor General
Department of Justice
Washington 25, D. C.

17 DEC 1946

Dear Mr. Washington:

Confirming Colonel Hughes' conversation, I inclose
herewith copy of letter from Mr. Arthur Garfield Hays
requesting clemency in the case of George John Dasch,
convicted saboteur, together with a copy of my reply
to Mr. Hays' letter.

Sincerely yours,

Signed

- 2 Incls
1. Copy ltr from
Mr. Hays
2. Copy reply TJAG
to Mr. Hays

THOMAS H. GREEN
Major General
The Judge Advocate General



[Signature]
Hughes, Wm. J., Jr/cfs

Handwritten text at top left, possibly a date or reference number.

Handwritten signature or initials.

DEC 17 46 PM



DISPATCHED
WAR DEPARTMENT
L.A.C.C.

to Mr. Neale
1. copy letter L.A.C.C.
2. Mr. Neale
3. copy for room
4. Mr. Neale

The above information is being
forwarded to you for your
information.

Very truly yours,

Enclosed for Mr. Neale

to Mr. Neale, letter

concerning the report of the committee on the
activities of the American People's Party
in the case of George John Brown
referred to in the letter from Mr. Neale dated
November 14, 1946.

Enclosed for Mr. Neale, copy of the report of the
committee on the activities of the American People's Party

dated November 14, 1946.

Respectfully,
Director of the
Federal Bureau of Investigation
Department of Justice

Very truly yours,

JAGJ 1946/1139

Arthur Garfield Hays, Esq.
120 Broadway
New York 5, New York

17 DEC 1946

Dear Mr. Hays:

In reply to your letter of 1 November 1946 requesting clemency in the case of George John Dasch, convicted saboteur, due to the fact that your letter was addressed generally to the War Department, it only reached my personal attention today. Replying to your specific inquiry, I do not know of any pending application for a pardon of Dasch. Such an application would, naturally, be filed with The Attorney General and not the War Department. I am sending a copy of your letter to The Attorney General for his consideration.

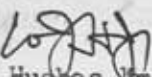
The case of Dasch, and also that of Ernest Peter Burger, convicted with him, has been under consideration by the War Department for clemency for some time, but no determination has been reached. You may recall Burger was a witness at the Haupt treason case, in which the Supreme Court heard argument in November, but in which no decision has as yet been announced.

You will be promptly advised of the result of the War Department's consideration of Dasch's case, or if you so desire, you may submit any data to this office in support of Mrs. Dasch's application.

Sincerely yours,

/s/

THOMAS H. GREEN
Major General
The Judge Advocate General


Hughes, Wm. J., Jr/cfs

11/17/1910

[Handwritten signature]

THE VICE PRESIDENT
SENATE
THOMAS H. CHURCH

DEC 17 46 PM



DISPATCHED
WAR DEPARTMENT
11 17 10

STANDARD TIME

substitution.
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11 DEC 1910

don, don, don

WDCSA/2078
McDuff/mem/jma

WDCSA 095 Cookingham,
Harris N. (23 Aug. 46)

28 August 1946

Dear Mr. Cookingham:

General Eisenhower has asked me to acknowledge your letter. He has requested a member of the War Department staff to send you the information you desire and you should be hearing from this officer in the near future.

Sincerely,

(Sgd) JAMES STACK

JAMES STACK
Lt. Colonel, ADC
Aide to General Eisenhower

Mr. Harris N. Cookingham
c/o Fitch C. Bryant, Esq.
290 Riverside Drive
New York 25, New York

RECEIVED AT 2:11
OFFICE OF THE
ADJUTANT GENERAL



SEP 28 1946

AUG 29 1946



DISPATCHED
OFFICE OF THE
CHIEF OF STAFF

FROM: MR. COOKINGHAM
TO: MR. COOKINGHAM
SUBJECT: MR. COOKINGHAM

Wife to General Eisenhower
Lt. Colonel, VDC
LAWRENCE

Wife to General Eisenhower

Wife to General Eisenhower

Receiving from this office in the next future.
The information you desire and you should be
of the War Department staff to send you
some time later. He was requested to send
General Eisenhower was asked me to accompany
Dear Mr. Cookingham:

Wife to General Eisenhower
MDCSV 002 COOKINGHAM

Wife to General Eisenhower

MDCSV 002 COOKINGHAM
MDCSV 002 COOKINGHAM

WAR DEPARTMENT
OFFICE, SECRETARY, GENERAL STAFF
REFERRAL SLIP

FILE NUMBER *1113A, 095* DATE *27 Aug 46*
TO *Stoughton, H. M. (246)*

OSW	PRD	AG	SIG
USW	LLD	JAG	ORD
ASW	I&E	CH	TC
ASW(Air)	RES	PMG	AAF
P&A	NGB	SSD	AGF
ID	IG	FIN	
O&T	HO	CWS	
SSP	MB	MED	
P&O	BUD	ENG	
R&D	CAD	QM	

FOR:

☐	CONCURRENCE OR RECOMMENDATION
☒	DIRECT REPLY
☐	INFORMATION ON WHICH TO BASE REPLY
☐	NECESSARY ACTION
☐	PREPARATION OF REPLY FOR SIG SW
☐	PREPARATION OF REPLY (<i>draft</i>) FOR SIG Cofs
☐	COPY OF REPLY TO UNDERSIGNED
☐	NOTE AND FORWARD
☐	NOTE AND RETURN
☐	INFORMATION
☐	FILE
☐	ATTENTION $\left\{ \begin{array}{l} \text{notation} \\ \text{direction} \end{array} \right\}$ OF SW
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BY DIRECTION OF THE DEPUTY CHIEF OF STAFF:

PAUL T. CARROLL *PTC*
Lt. Col., General Staff Corps
Assistant Secretary, General Staff

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

52 第2章 数据库系统

2. DISCIPLINA: **2016** MATERIA DE EXAMEN:



481

Col Hughes)

9/4/46

1127

Dash & Burgas's
whereabouts not to be
disclosed without prior
consultation with Director
of Prisons who is not
available at present.

Hold up until such
consultation can be had

Call from Lewittes, Justice

WJH

Put on suspense file
for Sept. 9/46

WJH

18 Sept. 1946

Mr. LeWittes called me back today and said he had asked Mr. Bennett, Director of the Federal Bureau of Prisons, as to whether this was the right answer. Bennett replied that as he was holding the prisoners for us, whatever we thought right was O.K. with him. LeWittes thought the present letter was unobjectionable.


WM. J. HUGHES, JR.
Colonel, JAGD

ARMY SERVICE FORCES
MEMO ROUTING SLIP

TO THE FOLLOWING IN THE ORDER INDICATED		CHECK ACTION	
TO: (Name, organization, building)	INITIALS	☒	CONCURRENCE
1. Col. Hoover	DATE	☒	SIGNATURE
2. General Green		☒	NOTE AND RETURN
3.		☒	NOTE AND FORWARD
		☒	COMPLETE ACTION
		☒	CIRCULATE
		☒	INFORMATION
		☒	FILE

For approval *awf*

FROM: (Name, organization, building)

Col. Johnson

2B-464

DATE

19 Sept

TEL

5468

AGASF FORM 895
1 OCT 1945

16-46173-1 ☆ U. S. GOVERNMENT PRINTING OFFICE

JAGJ 1946/1139

SEP 24 1946

Mr. Harris N. Cookingham
c/o Fitch C. Bryant, Esq.
290 Riverside Drive
New York 25, New York

Dear Mr. Cookingham:

General Dwight D. Eisenhower, the Chief of Staff, has referred to me your letter of 23 August 1946 for reply. As to possible "exoneration and release" of these defendants, the judgment of the court in each case is final and subject to review only for clemency. The question of clemency for George Dasch and Ernest Burger, German saboteurs, is still under consideration and it is impossible at present to advise you when the present examination for clemency in these cases will be completed.

The present address of Dasch is United States Penitentiary, Leavenworth, Kansas; the present address of Burger is United States Penitentiary, Atlanta, Georgia. Whether it is possible for you to get in contact with them is a matter which should be taken up with the Warden of the penitentiaries within which they are confined.

Sincerely yours,

Signed

THOMAS H. GREEN
Major General
The Judge Advocate General

JAGJ 1946/1139

SEP 2 1946

Mr. Harris N. Cookingham
c/o Fitch C. Bryant, Esq.
290 Riverside Drive
New York 25, New York

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Sincerely yours,

Signed

THOMAS H. GREEN
Major General
The Judge Advocate General

JAGJ 1946/1139

SEP 24 1946

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c/o Fitch C. Bryant, Esq.
290 Riverside Drive
New York 25, New York

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Sincerely yours,

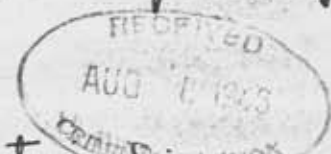
Signed

THOMAS H. GREEN
Major General
The Judge Advocate General

Hughes, Wm. J., Jr/cfs
WJH

Hon. Tom. E. Clark
U.S. Attorney General
Dept of Justice
Washington D.C.

Aug 4. 1946
3706 Rombouts Ave
New York City 66 N.Y.



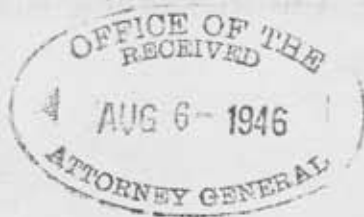
My Dear Sir;

I take this liberty to bring to your personal attention, Sir, a copy of my last and final plea for equitable action by my Government in the case of my husband, George J. Dasch,

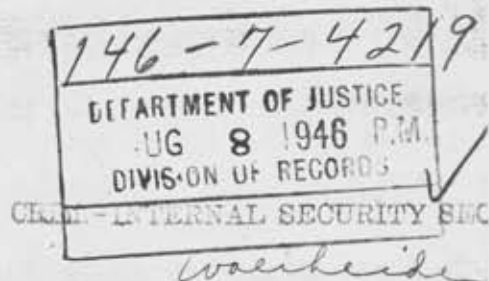
Sincerely and most respectfully yours.

A.L.S.

Mrs. Marie C. Dasch.



M. C. DASCH



INCLOSURE 1139

Nº 136452

FROM

Department of Justice

7-849

U. S. GOVERNMENT PRINTING OFFICE

TLC:JBH:vng

146-7-4219

August 13, 1946

Mrs. Marie C. Dasch
3706 Rombouts Ave
New York 66, New York

Dear Mrs. Dasch:

Your letters of August 4, 1946, to the Attorney General, have been referred to the Judge Advocate General of the Army, since the disposition of your husband's case is a matter within the jurisdiction of the War Department rather than the Attorney General.

Respectfully,

For the Attorney General

THERON L. CAUDLE,
Assistant Attorney General



MAILED 11
AUG 14 1946

AUG 14 46 AM



ASSISTANT ATTORNEY GENERAL
JAMES H. GUNDEL

For the Attorney General

Respectfully,

From the Attorney General

Further within the jurisdiction of the War Department is that
the Army, since the organization of Army planning, a case is
pending, has been referred to the Judge Advocate General of

Army letters of August 1, 1946, to the Attorney

General H. H. Hays

New York City New York
3000 Broadway Ave
H. H. Hays C. Hays

100-1-1010

100-1-1010

August 13, 1946

TLC:JBH:vng

146-7-4219

August 13, 1946

The Judge Advocate General
War Department
Washington 25, D. C.

Dear Sir:

I am enclosing herewith for your information two letters dated August 4, 1946, from Mrs. Marie C. Dasch, 3706 Rombouts Avenue, New York 66, New York, and a copy of our reply.

Respectfully,

For the Attorney General,

THERON L. CAUDLE,
Assistant Attorney General

Enc. #136452

JAGJ 1946/1139

14 August 1946

MEMORANDUM FOR (1) Colonel Johnson
(2) Colonel Hoover
(3) General Green

SUBJECT: Dasch and Burger

1. At a conference this morning with Mr. George Washington and Colonel F. B. Wiener, the Department of Justice requested that no action be taken toward granting clemency to Dasch and Burger at this time. The reason is that the Haupt treason case will be argued this fall in the Supreme Court and the Government stands a good chance of losing it. In that event, it will be re-tried and the testimony of Dasch and Burger would be essential. For this reason, the Department of Justice would like no further action taken until after the decision of the Supreme Court in the Haupt case.

2. I have therefore placed this case on a suspense file with instructions to bring it to the attention of the Chief of the Military Justice Division, 1 November 1946.

3. As no very satisfactory answer can be made to the various letters from Mrs. Dasch and others, I suggest that no further answer to these letters be made at the present time.

4. For the benefit of whoever will handle this case in November, I suggest the following steps:

a. Take up with Mr. George Washington amendment of the Attorney General's letter of 5 February 1946 to include Burger and to delete the suggestion that Dasch and Burger upon release be delivered to the Immigration Service for deportation.

b. That Dasch and Burger be returned to Germany by the War Department, not the Immigration Service. This will avoid habeas corpus proceedings, publicity and expense. The power of the War Department to return violators of the laws of war to their native land cannot be questioned. If it be argued that upon remission of the sentence Dasch and Burger are no longer violators of the laws of war, then they lapse into the status of prisoners of war. In this event the Geneva Convention requires their repatriation.

c. Dasch and Burger should be returned to the European Theater and their sentences remitted after not before their return.

Automatically Upgraded UNCLASSIFIED

Shorkey E.O. 12065
Hughes, Wm. J., Jr/cfs

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

JAGJ 1946/1139

The file contains a rough draft of a letter to the Secretary of War, prepared by me, which accomplishes the above.

WM. J. HUGHES, JR.,
Colonel, JAGD

~~CONFIDENTIAL~~

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

TLC:JBH:vng

146-7-4219

UNITED STATES
DEPARTMENT OF JUSTICE
WASHINGTON 25, D. C.

August 13, 1946



The Judge Advocate General
War Department
Washington 25, D. C.

Dear Sir:

I am enclosing herewith for your information two letters dated August 4, 1946, from Mrs. Marie C. Dasch, 3706 Rombouts Avenue, New York 66, New York, and a copy of our reply.

Respectfully,

For the Attorney General,

A handwritten signature in cursive script that reads "Theron L. Caudle".

THERON L. CAUDLE,
Assistant Attorney General

Enc.#136452

*No action necessary. Since
reply made to identical ltr from Mrs. Dasch
on Aug. 46 by JAGG.
Col. Johnson*

~~CONFIDENTIAL~~
HEADQUARTERS, ARMY SERVICE FORCES
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON 25, D. C.

JAGJ 1946/1139

14 August 1946

MEMORANDUM FOR (1) Colonel Johnson *awg*
(2) Colonel Hoover *HOOVER*
(3) General Green *H/16*

SUBJECT: Dasch and Burger

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c. Dasch and Burger should be returned to the European Theater and their sentences remitted after not before their return.

Automatically Regraded UNCLASSIFIED
Authority EO 12065

~~CONFIDENTIAL~~

JAGJ 1946/1139

The file contains a rough draft of a letter to the Secretary of War, prepared by me, which accomplishes the above.



WM. J. HUGHES, JR.,
Colonel, JAGD

~~CONFIDENTIAL~~

July 23, 1946

In reply
refer to: WDSLL/963-702

Mr. Norman Thomas
71 Irving Place
New York 3, New York

Dear Mr. Thomas:

The Secretary of War has asked me to make this acknowledgement of your letter to him, inclosing a copy of your letter to the Attorney General of the United States, with regard to G. J. Dasch, whose wife has appealed to you for assistance in her endeavor to have her husband's sentence shortened.

You express uncertainty as to whether this matter lies within the jurisdiction of the War Department or of the Department of Justice.

Because this is a matter within his province, I have been glad to forward this correspondence to The Judge Advocate General of the Army for his consideration, with the request that he communicate directly with you concerning Mrs. Dasch's appeal.

Sincerely yours,

JOHN P. DINSMORE
Colonel, CSC
Special Assistant to the Chief
Legislative & Liaison Division

JPD:tbd

71 IRVING PLACE
NEW YORK 3, N. Y.

July 26, 1946

John P. Dinsmore
Colonel, GSC
Special Assistant to the Chief
Legislative & Liaison Division
War Department
Office of the Chief of Staff
Washington 25, D. C.

Dear Col. Dinsmore:

This will acknowledge with thanks your letter
in reference to WDSL/963-702. I trust that
proper procedure can be taken on lines of
justice in the case of Dasch and also of
Berger.

Sincerely yours,



Norman Thomas

nt/ja

71 IRVING PLACE
NEW YORK 3, N. Y.

July 12, 1946

The Honorable Robert P. Patterson
Secretary of War, United States
1511 Thirty-third Street
Washington, D. C.

My dear Mr. Patterson:

I enclose a copy of a self-explanatory
letter to Attorney General Clark. I am
sending it to you since I am not sure
but what the matter lies more within
your jurisdiction than his.

Sincerely yours,

Norman Thomas

Norman Thomas

by ja

nt/ja
enc.

1946 JUL 15 AM 8:52

RECEIVED
WAR DEPARTMENT
SECRETARY'S OFFICE

OSU-095-Recd, G. D. (7-12-46)

23 July 1946

In reply
refer to: WDSL/963-702

MEMORANDUM FOR THE JUDGE ADVOCATE GENERAL:

SUBJECT: Prisoner G. J. Dasch

1. Transmitted herewith is a letter to the Secretary of War from Mr. Norman Thomas, 71 Irving Place, New York 3, New York, inclosing a copy of a letter from Mr. Thomas to the Attorney General of the United States, with regard to the prisoner whose name appears above. If the understanding of this Division is correct, Prisoner Dasch is one of the saboteurs who was convicted by a Military Commission.

2. Mr. Thomas states that this prisoner's wife, Mrs. Marie Dasch, has appealed to him for assistance in her endeavor to have her husband's sentence shortened.

3. For your information, a copy of the letter of acknowledgement from this Division to Mr. Thomas is enclosed.

4. After such consideration as may be necessary, it is requested that you make further direct reply to Mr. Thomas concerning this matter.

FOR THE CHIEF, LEGISLATIVE AND LIAISON DIVISION:

JOHN P. DINSMORE
Colonel, HSC
Special Assistant to the Chief

Incls



Office of the Attorney General
Washington, D.C.

February 5, 1946

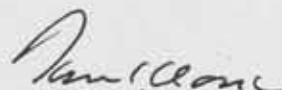
Major General Thomas H. Green
The Judge Advocate General
United States Army
Washington 25, D. C.

Dear General Green:

The Director of the Federal Bureau of Investigation has transmitted to me a copy of your letter to him of recent date regarding the request for clemency in the case of George John Dasch, one of the convicted saboteurs.

I have carefully reviewed this case and it is my view that it would be appropriate for this man to receive clemency, provided that, upon his release, he be delivered to the Immigration and Naturalization Service for deportation.

Sincerely yours,


Attorney General

Ad Green



Major General Thomas H. Green
Judge Advocate General
U. S. Army. War Dept.
Washington D. C.

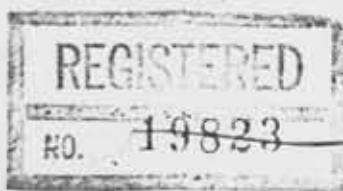
Mrs. Marie C. Dasch
Post Office Box #45
Peak Amboy N.J.



DEC 11 11 45 AM

Mrs. Marie C. Dasch
Post Office Box #46
Perry Ambury
N.J.





46794

Edward F. Ritsell
Major General
Acting The Adjutant General
Washington 25 - D. C.

War Department
Edward D. Mitchell
Maj. Gen. acting the Adj. Gen.
Washington 25 - D.C.
My Dear Sir.

KB Post Office Box #45
Perth Amboy N.J.
Jan. 24th 1946.
Dasch, George J.

I wish to thank you for the courtesy of your prompt reply in answer to my inquiry and appeal as of December 10, 1945 and made to Maj. Gen. Thomas H. Green, U.S. Army Judge Advocate General.

While the latest decision of the War Department in regards to the present status of my husband, George J. Dasch, is a terrible disappointment to both of us, we nevertheless appreciate its directness.

Your communication of Jan 4th to my sorrow, does not refer to the investigation or fact-finding as earnestly pleaded by my husband in his letter of June 10, 1945 and addressed to the War Dept. I, therefore most respectfully request the War Dept. for an equally direct enlightenment on this relevant, serious and most desirous question. Relevant, because the trial records will show that the entire case as advanced by the prosecution rested on the speculative, manufactured, yet most convenient interpretation that my husband so called, "surrender," to our Government of June 19, 1942. was motivated to save his own hide due to a belated attack of fear after his landing on June 13, 1942. and that before he had all the intentions to carry out the mission as planned in the German High Command and directed against our people. Recent inquiries authoritatively confirmed, that the conviction of my husband by the Military Commission was reached solely on the acceptance of the interpretation as set forth above.

Serious, because my husband made his plea totally in the
Exhibit 1.

expression of the spirit and to his ideals, I know and admire in him. As an American and in the absence of any just and now timely initiative by the war - Department towards the relief of my husband's plight and undeserved punishment I repeat my plea, for like his, my sufferings are spiritual real. I remain, very respectfully and most sincerely.

Mrs. Marie E. Darch.

A.G.O.
MAR DEPARTMENT
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1946 JAN 26 PM 12:34



Log # 19823



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- 2 -

interest of truth and Justice and in his belief, which I support that the search for truth is easy, for truth is always there.

Decisive, because if made on the last mentioned principles and not on those - one only sees what one looks for - , this investigation must establish the indisputable fact, that my Husband's personal appearance before our Government on June 19, 1942, and his consequent full report of 261 pages then given, was in direct result of many months of carefully planned and executed endeavors strictly in answer to his hatred to-wards Nazism after he had seen what it was, stood and aimed for and his best part to strike to-wards its defeat.

The before mentioned report contains names and places of some of the people who either knew or took part in my Husband's clear-cut and successful fight against Nazism, which most self-evident was to the ultimate and only gain to our people and further gave our Government a basis for practical measures to defeat other like actions as then planned by the German High Command.

This is the truth and from this truth there can be no escape and the contra-factual and most arbitrary charges by the prosecution and the being upheld by the Military Commission can never change this basic truth, and to bring this simple truth into its natural relationship with fairness and Justice, I am determinate and prepared for this, aside from my love, loyalty and trust in my Husband, is my heritage and in the fullest recognition of the hour addressing fellow Americans, I challenge each and every one to join this fight for light, truth, and consequent full Justice in the face of a most obvious and grossest injustice committed against a man, who could neither be weak nor subservient to the evils of Nazism, but who gave real and factual

Mission Gen. Thomas H. G. &
Judge Advocate Gen.
U.S. War Dept.
Washington D.C.

Dec. 1942
P. O. Box # 48
Perth Amboy N.J.

My Dear Sir.

In view of the disclosures on the evils of Nazism before the Allied Tribunal at Nuremberg and in result to the inquiry as respectfully requested by my Husband Mr. George J. Dasch in his letter of June 10th 1942, which I hope was undertaken, I pray, that the words and deeds of my Husband in his successful fight against that evil are now better understood and their basic motive and true aim fully recognized and as such may form the basis for speedy and just measures that will insure his freedom which he so rightfully has earned. May I Sir expect your answer to this most earnest entreaty. Thank you Sir very kindly.

I remain as ever.
Mrs. Marie C. Dasch.

[illegible]

9. ~~number of~~

1. The first part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom. It is shown that the structure of the atom is determined by the laws of quantum mechanics, and that the laws of quantum mechanics are in agreement with the experimental facts.

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INCLOSURE

Nº 93691

FROM

Department of Justice

7-840

U. S. GOVERNMENT PRINTING OFFICE

Mr. Robert Patterson
Secretary of War

Washington D.C.

August 11, 1946

5706 Rombouts Ave

New York City 66 N.Y.

RECEIVED
DEPARTMENT
SECRETARY'S OFFICE

DASCH, GEORGE J.

1946 AUG 13 AM 10:19

19 AUG 1946

My Dear Sir,...

Now, that over a year has passed since my husband, George J. Dasch, respectfully submitted his original pleas of June 10, 1946, and made to the War and Justice Departments, calling for a thorough investigation on matters of evidence, information and corroborations which, on the one hand and at the time of his trial could not, and ~~other~~ others, were not admitted in evidence during his trial before the Military Commission, however, easily available ever since the defeat of Nazism, and which will further strengthen the unblemishable truth as to the real and only motive and intent of my husband's actions and efforts, thus crystallizing his success and more-over risk in combatting and frustrating the sabotage missions planned in the formerly existing German High Command and directed against our people, I now make my last and most earnest plea for a speedy end of a punishment fore upon my husband, which even at its best, is ironical, paradoxical, and certainly most undeserved....

This latter judgement, I assure, is neither irrational nor emotional, but the only and natural conclusion clear and true facts will al

It is a matter of my precise knowledge and that of trial record the latter especially when seen in the light the investigation will disclose, that the conviction of my husband was in result of charges based on illogical deductions convenient conclusions and interpretations with which the prosecution succeeded to cripple, distort and to pervert the whole and true intent and factual substance of my husband's courageous actions and best efforts with which he most tellingly demonstrated his deep hatred towards Nazism and, with-out any other consideration

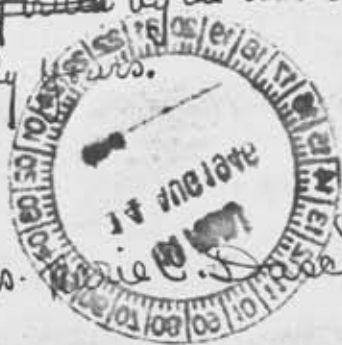
in mind the com. a good, his love, respect and concern for our people.

It should be clear to any - one, that in face of such basic truth, I am seeking to erase the gross injustice my husband has to endure. It should be equally obvious that I am not alone in this justified striving.

Further more, I am satisfied that we, my husband and my self, have done our best to live up to the principle of the maximum of fairness in this striving. We have been forthright and direct, we have exercised patience, understanding and restraint and that it may not otherwise be construed, this, as all other previous pleas by my husband and my-self, is not a plea for mercy or leniency, but is now a serious challenge for the enactment of the principles of fair-play and that of true justice such as, the full light of truth, common logic and self-evidence facts must demand.

Therefore, I pray, that the final decision on the matter of Clemency, the case of my husband, now pending in the war Department, as indicated by its communication of April 16, 1946, is at hand and be of a nature conducive to a fair and equitable close-out of - a - peculiar chapter my dear husband, an innocent man, has to endure...

May the above be accepted in the same forthright and amiable spirit as given and, as such, will serve the interest of truth and justice. In this spirit and justified hope, I am awaiting the final decision of truth by the war Department and remain very respectfully and most sincerely yours.



Mrs. Bessie C. Davis

...the

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... ..



AFTER 5 DAYS, RETURN TO

Mrs. Marie C. Dasch

3706 Rombold Ave

New-York City 66, N.Y.

20 AUG 1946 AM



Kenneth C. Royall

Undersecretary of War.

Washington D.C.

2432





General Orders }
No.

War Department, Washington 25, D.C.,

8. It is recommended that prior to the remission of the sentence in the case of Dasch and Burger, these two prisoners be returned to Germany. This may be accomplished through their surrender to the Immigration and Naturalization Service for deportation. However, it would appear preferable that they be returned to the custody of the Commanding General, European Theater, by the War Department. The Supreme Court has held in Ex parte Quirin, 317 U.S. 1, that these prisoners have violated the laws of war. The power of the War Department to return such violators at the expiration of their sentences to their native land appears plenary. If it be argued that upon the expiration of their sentence they are no longer violators of the laws of war then, even as prisoners of war, they are deportable. Indeed, as prisoners of war, the Geneva Convention requires their repatriation at the earliest possible moment.

Upon arrival of these prisoners in the European Theater, the order of the Secretary of War remitting the sentences, which order has theretofore been authorized by the President, may be served upon them by direction of the Theater Commander and the prisoners thereupon released.

9. The following form is suggested in the event you approve remission of the sentences in this case:

General Orders)

WAR DEPARTMENT

No

)

Washington 25, D. C., April 1946

By direction of the President, the unexecuted portions of the sentences to imprisonment for thirty years in the case of George John Dasch and to imprisonment for life in the case of Ernest Peter Burger, who were tried by Military Commission on 8-11, 13-18, 20-22, 24, 25, 27, 31 July and 1 August 1942, and convicted of violations of the Laws of War and of the Articles of War, are hereby remitted.

The clemency extended by these orders is based upon the public good policy of the United States favoring prompt surrender and confession by persons sent through our military and naval lines in time of war by enemy nations to commit sabotage, espionage or other hostile acts.

BY ORDER OF THE SECRETARY OF WAR:

General of the Army → DWIGHT D. EISENHOWER
Chief of Staff

OFFICIAL:

EDWARD F. WITSELL
Major General
The Adjutant General

10. As a further extension of the public policy in favor of surrender by foreign agents, it is suggested that the subject prisoners be offered

the option of remaining in the United States, and of applying for

Germany might endanger their lives. It would be contrary to sound public policy to force the prisoners to risk murder while purporting to grant them clemency to the Immigration and Naturalization Service for deportation.

It is suggested that this matter be coordinated with the Attorney General prior to submission to the President.

THOMAS H. GREEN
Major General
The Judge Advocate General

~~CONFIDENTIAL~~

7. Inasmuch as the tribunal was appointed and the sentences were personally approved by the President, no clemency should be extended without his knowledge and consent (Compare A.W. 50, par 2). The actual order for clemency may, however, be appropriately promulgated by War Department General Orders, under the power of the Secretary of War to remit sentences (AW 52; Winthrop on Military Law, Reprint, 61 note, 467, note, 476, 574). Thus, Winthrop states in footnote 79, page 467:

"The President, in remitting punishments, may act through the Secretary of War, on Orders emanating from the War Department***."

Again, Winthrop states on page 471:

"Remission is pointedly distinguished from pardon proper by the form and manner of its execution. Thus while a constitutional pardon is a deed which takes effect upon delivery and acceptance, remission is executed by order simply."

omit. . .
8. It is also suggested that the order of remission recite the reasons for clemency in this case to make clear the precedent established thereby, and in fairness to the prisoners, so that they may have papers which give substance to the reward thus made to them for their meritorious conduct in surrendering as they did. There is a long-standing custom of the service which warrants "accompanying remarks" in orders promulgating action upon the sentences of military tribunals (Winthrop on Military Law, p. 476; Compare par. 87b, Manual for Courts-Martial, 1928, p. 78).

9. The following form is suggested ^{in the event you approve remission of the} ~~for use in remitting the~~ sentences in this case:

~~CONFIDENTIAL~~

Fitch C. Bryant, Esq.,
292 Riverside Drive,
New York City 25,

April 26, 1946.

General Dwight D. Eisenhower, U. S. A.,
Chief of Staff of the Army,
Washington, D. C.

REC'D O.C.S. 27 APR 1946

Sir:

I take the liberty of enclosing herewith, for your perusal and consideration, an article from Newsweek, issue of November 12, 1945, entitled "From the Capital: The Untold Story of the Nazi Saboteurs", concerning the Army trials and the imprisonment of the Germans George Dasch and Ernest Burger.

I am not acquainted personally with either Dasch or Burger; I have never seen either of them, nor do I know anyone who has done so. I am therefore writing now not on behalf of friends but rather in personal protest, as a lover of justice, against the arbitrary and apparently high-handed treatment accorded these two men by our Government, which was engaged in fighting a war professedly for human rights and tolerance. At the "trials" it was satisfactorily proven that both Dasch and Burger, although nominally members of the German saboteurs' group, actually came to the United States for the expressed purpose of defeating the saboteurs' objective; and they gave our Government valuable, even vital, information, cooperating with the United States so wholeheartedly as to thwart the activities in this country of the real saboteurs, trained and ruthless. It would seem logical, indeed, to have rewarded them largely for their cooperation; but instead, Dasch, "a highly nervous man", was given a sentence of thirty years in prison and is refused even a pencil, being held "incommunicado", while Burger received a sentence of life imprisonment!

If, after consideration of the enclosed article and due investigation of the facts, you find that these cases permit and justify your intervention, might it not be possible for you, Sir, to take such steps as would lead, through White House, Army, or other channels, to the exoneration and release of Dasch and Burger, if not to their reward and honor, even belatedly, for their courageous services to our country?

Thanking you in advance for your goodness in giving this matter your open-hearted attention, I am, Sir,

Enclosure:
2-page clipping.

Respectfully yours,

Harris N. Cookingham.

Harris N. Cookingham

2
Wm

ATALIEQUA

ON HESS LAKE

Newaygo, Michigan

April 17th., 1946

President Harry Truman
Washington, D.C.

Dear President Truman:

It is evident from the report
of Attorney General Tom C. Clark that George John Dasch
and Ernest Peter Burger did a great service to this
country at the risk of their lives. A service for which
they were imprisoned by a military court martial.

Won't you please obtain an immediate
release, by pardon, of these men as a definite proof of
the workings of justice in a democracy?

Very truly yours,

Charles F. Gritzner
Charles F. Gritzner.

✓/ Enclosure: Copy of letter from the Chief of the Military
Justice Division.

100-100000

RECEIVED
CONSIDERATION
ACKNOWLEDGMENT
Sent to the President

AO



JK

HAYS, ST. JOHN, ABRAMSON & SCHULMAN

ARTHUR GARFIELD HAYS
T. RAYMOND ST. JOHN
WILLIAM ABRAMSON
JOHN SCHULMAN
SIDNEY STRUBLE
SEYMOUR M. HEILBRON
ALAN S. HAYS
MORRIS SHILENSKY
JAMES R. CHERRY
HAROLD EPSTEIN

COUNSELORS AT LAW
120 BROADWAY
NEW YORK 5, N. Y.
CABLE ADDRESS "HASTMOR"
TELEPHONE RECTOR 2-6190

November 1, 1946.

War Department
Washington, D. C.

Re: George John Dasch

Gentlemen:

I have been retained by Mrs. Marie G. Dasch, to do what I can to be helpful to her husband. I understand that the question of his pardon has been under consideration by the War Department.

I have heard his story from Mrs. Dasch and from others. More specific information came largely from an article in the publication NEWSWEEK of November 12, 1945. I assume the article correctly states the facts.

When it appeared that the F.B.I. had immediately been put on the trail of the saboteurs and spies by Dasch, I am sure the American public thought that he should have been rewarded rather than punished. Most of us had an idea that the sentence of thirty years in jail was imposed for political reasons, and certainly would not continue after the war. I was shocked to hear that Dasch is still in jail.

I should appreciate if you would let me know the present disposition of your Department in connection with this case.

Yours truly,

Arthur Garfield Hays

AGH:THS



11:12

RECEIVED AT DEPARTMENT OF AGRICULTURE TO BE
FORWARDED TO THE SECRETARY OF AGRICULTURE

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WAR DEPARTMENT

1139
DISPOSITION FORM

SECURITY CLASSIFICATION (If any)

FILE No. AGPK-CP 201

SUBJECT

Burger, Ernest Peter

Clemency

TO

FROM

DATE

COMMENT No. 1

The Judge Advocate General
Room 2 E 486
Pentagon Building
Attn: Col. Hubert D. Hoover

Correction Branch
Restoration-Parole AGO
Room 2b283
Telephone 71188

24 January 1947

For consideration and direct reply to writer, who has not been advised of this reference.

FOR THE ADJUTANT GENERAL:

1 Incl:
Ltr fr Gen Pris
dtd 14 Nov 46

W. Klein
Adjutant General



27 JAN 47 AM



24 JAN 1947
10:10 AM
W.A.G.O.

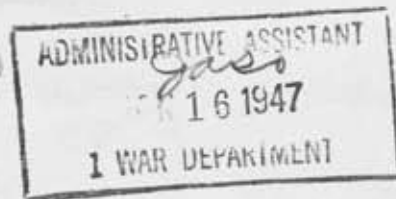
RECEIVED

FOR THE WASHINGTON BUREAU

please include in your report the following information for the Bureau of the War Department.

1. Name of the person or organization to whom the report was made.	2. Name of the person or organization to whom the report was made.
3. Name of the person or organization to whom the report was made.	4. Name of the person or organization to whom the report was made.
5. Name of the person or organization to whom the report was made.	6. Name of the person or organization to whom the report was made.
7. Name of the person or organization to whom the report was made.	8. Name of the person or organization to whom the report was made.
9. Name of the person or organization to whom the report was made.	10. Name of the person or organization to whom the report was made.

W.A.G.O.



P. O. Box 626,
San Diego 12,
California,

January 11, 1947.

The Honorable

The Secretary of War,
Washington, D. C.

Sir:

I have the honor to refer to the self-explanatory letter which I addressed to you under date of January 22, 1946, concerning the imprisonment of George Dasch and Ernest Burger, the circumstances of whose trial was set forth in "Newsweek" (November 12, 1945) under the title of "From the Capital: The Untold Story of the Nazi Saboteurs" (a copy of which I forwarded with my letter above referred to).

In response to my letter I received a communication, dated April 16, 1946, from the Office of the Judge Advocate General, informing me that my letter had been referred to that office for answer and that "the voluminous record of trial in the case involving the persons mentioned has been reexamined and you may be assured that your comments and recommendations are being considered in connection with a study of the matter of granting clemency to these persons".

As the foregoing statement was made almost nine months ago I take the liberty of inquiring whether the War Department is still deliberating on these cases.

Respectfully yours,

Harris N. Cookingham
Harris N. Cookingham.

*20 file
1/16/47*

JAN 15 47 PM



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WAR DEPARTMENT
J. A. G. O.

TO THE SECRETARY OF WAR
WASHINGTON, D. C.
FROM THE SECRETARY OF THE ARMY
SUBJECT: [Illegible]

[The following text is extremely faint and largely illegible due to the quality of the scan. It appears to be a memorandum or official communication.]

BOX 211

AGPK-CP 201

Burger, Ernest Peter

Clemency

The Judge Advocate General
Room 2 E 486
Pentagon Building
Attn: Col. Hubert D. Hoover

Correction Branch
Restoration-Parole AGO
Room 2b283
Telephone 71188

24 January 1947

For consideration and direct reply to writer, who has not
been advised of this reference.

FOR THE ADJUTANT GENERAL:

A. R. Klein

Adjutant General

1 Incl:
Ltr fr Gen Pris
dtd 14 Nov 46

Correction Br. ARK Ext. 71188





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JAN 24 1947
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COLLECTIONS RE. WIKI WIKI WIKI

ADJUTANT GENERAL

A. B. KLEIN

FOR THE ADJUTANT GENERAL:

on subject of this reference.

For consideration and direct reply to subject, who has not

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ADJUTANT GENERAL

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OF

Telephone 11188

Room 3P383

Registration-Exhibit 400

Collection Branch

37 JANUARY 1947

URGENT

WAR DEPARTMENT
OFFICE OF THE CHIEF OF STAFF
WASHINGTON 25, D. C.

23 July 1946

In reply
refer to: WDSLL/963-702

MEMORANDUM FOR THE JUDGE ADVOCATE GENERAL:

SUBJECT: Prisoner G. J. Dasch

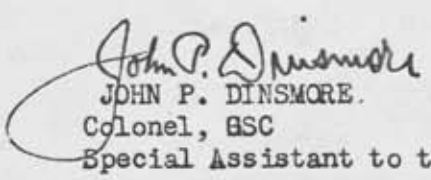
1. Transmitted herewith is a letter to the Secretary of War from Mr. Norman Thomas, 71 Irving Place, New York 3, New York, inclosing a copy of a letter from Mr. Thomas to the Attorney General of the United States, with regard to the prisoner whose name appears above. If the understanding of this Division is correct, Prisoner Dasch is one of the saboteurs who was convicted by a Military Commission.

2. Mr. Thomas states that this prisoner's wife, Mrs. Marie Dasch, has appealed to him for assistance in her endeavor to have her husband's sentence shortened.

3. For your information, a copy of the letter of acknowledgement from this Division to Mr. Thomas is enclosed.

4. After such consideration as may be necessary, it is requested that you make further direct reply to Mr. Thomas concerning this matter.

FOR THE CHIEF, LEGISLATIVE AND LIAISON DIVISION:


JOHN P. DINSMORE.
Colonel, BSC

Special Assistant to the Chief

Incls

Norman Thomas
71 IRVING PLACE
NEW YORK 3, N. Y.



MADISON SQUARE
STATION



John P. Dinsmore
Colonel, GSC
Special Assistant to the Chief
Legislative & Liaison Division
War Department
Office of the Chief of Staff
Washington 25, D. C.